

# Appendix C

---

Public Hearing and Draft SEIS Comments and Responses

**This page intentionally left blank.**

***DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT  
STATEMENT***

---

***PUBLIC HEARING - Vol. 1  
March 15, 2011***

---

**MERRILL CORPORATION**

**LegalLink, Inc.**

135 Main Street  
4th Floor  
San Francisco, CA 94105  
Phone: 415.357.4300  
Fax: 415.357.4301

**This page intentionally left blank.**



DEPARTMENT OF THE NAVY  
BASE REALIGNMENT AND CLOSURE  
PROGRAM MANAGEMENT OFFICE, WEST

PUBLIC HEARING RE:  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT  
FOR THE DISPOSAL AND REUSE OF  
HUNTERS POINT NAVAL SHIPYARD

Tuesday, March 15, 2011

Southeast Community Facility Community Center

Alex L. Pitcher, Jr., Community Room

1800 Oakdale Avenue

San Francisco, CA 94124

REPORTED BY: FREDDIE REPPOND

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S

Ronald Bochenek, BRAC PMO

Yolanda Jones, Bayview Hunters Point Neighborhood

--oOo--

1 [The presentation began at 7:12 p.m.]

2 MR. BOCHENEK: We're going to start the  
3 presentation now. I want to thank everyone for showing  
4 up. My name is Ron Bochenek. I'm with the Base  
5 Realignment Closure Office, West. I'm also the NEPA  
6 planner at the office. We are here tonight for the  
7 public hearing portion for our draft supplement  
8 environmental impact statement that examines the  
9 disposal and reuse of the Hunters Point Shipyard.

10 Basically, we're going to focus on the purpose  
11 of the hearings, the NEPA process, the EIS scope, the  
12 summary of findings. And then we'll get to the public  
13 hearing, if anyone has any public comments that they  
14 would like to make.

15 As I alluded to, the purpose of tonight's  
16 meeting is to introduce the draft report that the Navy  
17 has just published on the impacts of the developments in  
18 the shipyard and the Navy cleanup. And specifically  
19 we're here tonight to be --

20 [Microphone malfunction]

21 MR. BOCHENEK: [off microphone] If I speak  
22 really loud, can everyone hear me? If I speak normally  
23 can everyone hear? Perfect.

24 As I was mentioning, we're here tonight to  
25 specifically take your comments, both verbally and in

1 written form. We have comments listed on that sheet  
2 throughout. And you also are able to comment by mail or  
3 by submitting email or fax.

4 The Navy report. The Navy completed a final  
5 EIS --

6 [Interruption by the court reporter]

7 MR. BOCHENEK: I'll move over here. Can  
8 everyone hear me now?

9 Subsequently the City's redevelopment plans  
10 have changed. That required the Navy to open up the  
11 NEPA process again and then start the supplemental  
12 EIS -- environmental impact statement.

13 Up on the slide is a little bit of a flow  
14 chart of the actual NEPA process. So at the very top we  
15 have the Notice of Intent. And that was issued in  
16 September of, I believe, 2008. Then that went through a  
17 public scoping period that we actually had here, where  
18 we were looking for comments from the public on what the  
19 EIS should include in addition to what we had already  
20 planned on including. We then considered those scoping  
21 comments; made changes to our scope of the EIS; and then  
22 drafted the EIS, which has led us here tonight, which is  
23 the draft public hearing. I will get to the follow-up  
24 steps in a little bit.

25 Basically, this is kind of recapping what I

1 just mentioned. Some of the comments that we received:  
2 consistency with the BCDC plans, sea-level rise, site  
3 cleanup, environmental justice, air quality, and  
4 land-use issues. So we changed the actual scope of the  
5 document that we discussed.

6 And, as I mentioned, the draft SEIS is  
7 tonight. It was released on February 24th. We  
8 submitted copies to various agencies and public  
9 organizations. We've also had copies of it available on  
10 the BRAC PMO Website. And we also have copies at local  
11 libraries.

12 The purpose of the draft, as I mentioned  
13 earlier, is to examine the potential impacts resulting  
14 from the disposal or transfer of the Navy property at  
15 Hunters Point and its eventual reuse by the City in a  
16 manner consistent with the Hunters Point Naval Shipyard  
17 Development Plan.

18 The study area is a little bit different than  
19 what the City examined in their EIR. Our study area is  
20 specifically within the shipyard boundary; however, we  
21 do look at indirect impacts in the surrounding  
22 community.

23 Our EIS alternatives are really based on the  
24 City's EIR and it's their redevelopment options. But we  
25 wanted to make sure we had enough alternatives that

1 captured the redevelopment possibilities or options that  
2 the City has.

3 Alternative 1 is basically the stadium  
4 alternative. That includes the new football stadium.

5 Alternative 2 -- or Alternative 1A -- is  
6 basically the same thing as Alternative 1, the football  
7 stadium.

8 Alternative 2 is a non-stadium alternative  
9 that has additional residents, additional research and  
10 development space.

11 Also, between the different alternatives, some  
12 include the Yosemite Slough bridge; some do not. We  
13 have a total of six reuse alternatives and one no-action  
14 alternative.

15 The no-action alternative is basically the  
16 site left basically as it is, no redevelopment taking  
17 place. The property would be left in U.S. Government  
18 caretaker status.

19 And a quick summary of the different  
20 alternatives and the different amounts of development  
21 associated with each of them.

22 A quick summary of some of the findings:  
23 transportation, traffic, and circulation. That is the  
24 transportation section. There's no direct impacts  
25 related to the Navy's transfer action. However, there

1 will be indirect impacts associated with the City's  
2 action, which is redevelopment, including significant  
3 congestion-related impacts at some intersections;  
4 significant freeway on- and off-ramp impacts at six  
5 locations for all the different reuse alternatives.  
6 Some roadways would be improved and more people would be  
7 using mass transit.

8           Now, there's impacts associated with both the  
9 construction and operation for air quality. The reuse  
10 alternatives would increase air pollutants from  
11 equipment exhaust; and there would be no significant  
12 impacts to climate change. Operationally, reuse  
13 alternatives would increase air pollutants from  
14 increased fuel use of new development -- things like  
15 traffic. And, again, no significant impacts related to  
16 climate change.

17           Noise. Somewhat similar. Construction  
18 impacts would include reuse alternatives that would  
19 result in short-term construction equipment noise  
20 impacts. And the reuse alternatives, except Alternative  
21 4, would result in short-term pile-driving vibration  
22 impacts to nearby residents. Operationally, reuse  
23 alternatives would result in increase in neighborhood  
24 noise through the increased traffic. And Alternatives 1  
25 and 1A, the stadium alternatives, would result in game-

1 and concert-related noise impacts.

2 Another issue: Environmental justice. The  
3 reuse alternatives would result in impacts of noise and  
4 traffic on minority and low-income populations close to  
5 the shipyard. And a lot of that is due to the shipyard  
6 being redeveloped and reuse would result in, of course,  
7 more occupancy in the shipyard.

8 Of note, all of these reuse alternatives would  
9 generate community benefits related to jobs, housing,  
10 and additional neighborhood amenities. The no-action  
11 alternative would not create additional jobs. And our  
12 study includes the Other Resource Areas list with  
13 controls for those impacts.

14 So basically the next steps in the NEPA  
15 process: Again, we are collecting comments all the way  
16 to April 12th. We will be available tonight to hear any  
17 verbal comments. We'll take those at that time. But  
18 you're welcome to submit written comments, email  
19 comments, fax, and others as well. We'll consider your  
20 comments and they will be responded to in the final  
21 EIS -- supplemental EIS.

22 We're anticipating the release of that final  
23 SEIS in the fall of this year, with a 30-day wait period  
24 following that, also in the fall. And then a record of  
25 decision will be issued in the winter of this year.



1 Another quick reminder: We're here to take  
2 your comments. Your comments are important.

3 And we have Yolanda here -- Yolanda Jones.  
4 She will be our moderator if anybody has any comments.  
5 I'll invite her to come on up.

6 MS. JONES: Hello, everyone. I'm Yolanda  
7 Jones. I represent Bayview Hunters Point. I am a  
8 resident. And I'm here to time-keep your comments.

9 If you would like to have a comment, you are  
10 free to come up. But we want it to keep them all to a  
11 minimum, so everybody has a fair chance.

12 MR. BOCHENEK: Do we have anybody who would  
13 like to make verbal comments? Anyone? We'll be here  
14 to 8:30 tonight.

15 If you have any questions on the Supplemental  
16 EIS, we'll be happy to answer some of them for you.  
17 Again, the comment period is open to April 12th.

18 I don't have anything else. Thanks for  
19 showing up.

20 [The presentation ended at 7:22 p.m.

21 However, the hearing remained open until

22 8:30 p.m., but no one from the public  
23 came forward to comment.]

24

25

1 STATE OF CALIFORNIA )  
COUNTY OF SAN FRANCISCO )

2  
3

CERTIFICATE OF REPORTER

4

5 I, FREDDIE REPPOND, a duly authorized  
6 Shorthand Reporter and licensed Notary Public, do hereby  
7 certify that on the date indicated herein that the above  
8 proceedings were taken down by me in stenotype and  
9 thereafter transcribed into typewriting and that this  
10 transcript is a true record of the said proceedings.

11 IN WITNESS WHEREOF I have hereunto set my hand  
12 on this 18th day of March, 2011.

13

14

15 \_\_\_\_\_  
FREDDIE REPPOND

16

17

18

19

20

21

22

23

24

25

## Comments and Responses

The *Draft SEIS for the Disposal and Reuse of Hunters Point Shipyard (Draft SEIS)* was circulated for public and agency review from 23 February 2011 to 21 April 2011. The lead agency, the Department of the Navy (DoN), held a public hearing on 15 March 2011, at the Southeast Community Facility Community Center to provide the public with an opportunity to comment on the content and accuracy of the Draft SEIS. In addition, written comments were accepted throughout the review period.

In accordance with NEPA regulations, the Final SEIS provides responses to comments on the Draft SEIS (40 CFR §1503.4). In compliance with those regulations, this section of the Final SEIS includes a list of agencies, organizations, and individuals that commented on the Draft SEIS; comment letters; and responses to the substantive environmental issues raised in the comments. No comments were received on the Draft SEIS at the public hearing. If a comment did not relate to an environmental issue or was worded more as a statement to be entered into the record, it is indicated by the response “Comment noted.”

<b><i>Agencies or Individuals Commenting on the Draft SEIS</i></b>	
<b><i>Letter Reference</i></b>	<b><i>Commenter</i></b>
<b>Federal Agencies</b>	
A	United States Environmental Protection Agency (USEPA)
<b>State Agencies</b>	
B	California Department of Transportation
<b>Local and Regional Agencies</b>	
C	San Francisco Bay Conservation and Development Commission (BCDC)
D*	City and County of San Francisco/Lennar
<b>Organizations</b>	
E	Arc Ecology
F	FarWest Restoration Engineering (on behalf of Golden Gate Audubon Society and Sierra Club)
G	Deep-Solutions
<b>Individuals</b>	
No public comments were received from individuals.	
<b>Public Hearing Comments</b>	
No public comments were received.	
<i>Note: *Comments received in an Excel matrix file.</i>	

**This page intentionally left blank.**



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105**

May 6, 2011

Ronald Bochenek  
U.S. Navy  
Base Realignment and Closure Program  
Management Office West  
1455 Frazee Rd., Ste 900  
San Diego, CA 92108

**Subject: Draft Supplemental Environmental Impact Statement (DSEIS) for the Disposal and Reuse of Hunters Point Shipyard, San Francisco County, California (CEQ # 20110047)**

Dear Mr. Bochenek:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The proposed project is located in a community with environmental justice (EJ) concerns. In response to EPA's scoping comments and concerns, the Navy organized additional public outreach meetings with eleven different community groups, conducted substantial follow-up from these meetings, and conducted a follow-up Community Informational Workshop. This outreach effort offered additional opportunities for the community to learn about the nature of the environmental cleanup, the roles of the City and other agencies in the redevelopment process, and for the Navy to hear community concerns. A-1

The DSEIS concludes that air quality impacts from particulate matter would not be significant; however, the assumptions to support this conclusion are not clear. The Final SEIS should clarify the assumptions used for estimating emissions, including emissions resulting from transport of a large amount of import fill. Because the analysis assumed a high level of mitigation, the Final SEIS should provide more information on the potential effectiveness, implementation, and monitoring of this mitigation. Additionally, it is unclear whether the importance of air quality as an issue (as identified through scoping) was fully considered when establishing significance thresholds for cumulative impacts, consistent with Council on Environmental Quality (CEQ) Guidance. A-2

The impacts of the hazardous waste cleanup are covered under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) program, commonly known as Superfund, and are not presented in the DSEIS. However, given the extent to which the subsequent development would interface with the cleanup remedy and alter the timeline of when the public could access portions of the site, the Final SEIS should provide additional A-3



A-3 ↑ information concerning the development/cleanup interface. Because of this, and questions regarding the air quality analysis, we have rated all development alternatives in the DSEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed “Summary of Rating Definitions”).

A-4 | The development plan includes many sustainability features that would facilitate pedestrian, bicycle, and transit travel and reduce motor vehicle trips. It commits to construct all project buildings to a Leadership in Energy and Environmental Design (LEED) Gold standard for Neighborhood Development. The project also includes a community benefits plan which will help address many environmental justice issues. We recommend that the Final SEIS include additional information on the scope of the community benefits fund within the benefits plan and indicate whether this fund would be available to address the concerns identified by the community at the Navy’s public outreach meetings. We also recommend that all mitigation commitments and details regarding their implementation, including mechanisms and responsible parties, be clearly documented in the Final SEIS, as these were not always apparent.

EPA appreciates the opportunity to review this DSEIS. When the Final SEIS is released for public review, please send one hard copy and 3 electronic copies to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov).

Sincerely,

*FOR* 

Kathleen M. Goforth, Manager  
Environmental Review Office (CED-2)

Enclosure: Summary of EPA Rating Definitions  
EPA’s Detailed Comments

cc: City and County of San Francisco - Department of Public Health; Planning Department  
Bay Area Air Quality Management District

## **SUMMARY OF EPA RATING DEFINITIONS\***

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

### **ENVIRONMENTAL IMPACT OF THE ACTION**

#### ***"LO" (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### ***"EC" (Environmental Concerns)***

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### ***"EO" (Environmental Objections)***

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### ***"EU" (Environmentally Unsatisfactory)***

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### **ADEQUACY OF THE IMPACT STATEMENT**

#### ***Category "1" (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### ***Category "2" (Insufficient Information)***

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### ***Category "3" (Inadequate)***

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

The Navy is supplementing its 2000 Final Environmental Impact Statement (FEIS) to reflect changes in the City of San Francisco's development plan for the site. The Navy's decision is whether to dispose of the property for subsequent reuse or retain the site in federal ownership. When the decision to dispose of the property has been made, the Navy relies on the development alternatives presented by the community's development plan. The City of San Francisco made substantial changes to the development plan that the Navy evaluated in its 2000 FEIS, including: an increase in the number of residential units, research and development space, and parks and open space; the addition of a football stadium; and the exclusion of industrial and maritime uses; necessitating this supplemental EIS.

### **Air Quality Impacts**

#### ***Construction Dust Control Mitigation***

The community has expressed concerns regarding the transport of pollutants during construction, including the naturally occurring asbestos that is present on some parcels. The DSEIS concludes that impacts from particulate matter less than 10 microns (PM<sub>10</sub>) would be less than significant, assuming substantial mitigation is implemented<sup>1</sup>.

To support these conclusions, mitigation measures will need to be successful. NEPA requires that mitigation measures be discussed, and an essential component of this discussion is an assessment of whether the proposed mitigation measures can be effective<sup>2</sup>. We are aware that there were problems with the implementation of the dust control measures during site grading of Parcel "A" (which is not part of this DSEIS), resulting in a violation and enforcement action by the Bay Area Air Quality Management District and the City of San Francisco. Lessons learned from dust control at Parcel A, and information regarding the actions taken to ensure mitigation will be effective in the future, are important to include in the environmental impact discussion.

*Recommendation:* The FSEIS should more fully discuss the dust control mitigation measures. We recommend that the dust control plan be included as an appendix in the FSEIS. The dust control plan should include, at a minimum, all the elements of the plan developed for Parcel A, as well as any improvements to that plan that would ensure greater effectiveness.

The FSEIS should discuss the expected effectiveness of proposed mitigation measures for air quality impacts, taking into consideration past experiences where mitigation was not fully successful, and improvements that will maximize mitigation effectiveness.

---

<sup>1</sup> The analysis assumes all fugitive dust control measures recommended by the Bay Area Air Quality Management District (BAAQMD) will be successfully implemented, including all basic, enhanced, and optional control measures, as well as measures required in the San Francisco Health Code Article 22B.

<sup>2</sup> *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1381 (9th Cir. 1998)



A-6 **Air Quality Analysis**

The DSEIS concludes that impacts from particulate matter, both PM<sub>10</sub> and PM<sub>2.5</sub>, will be less than significant. It is not clear if the assumptions used in the air quality impact model to estimate construction emissions (Appendix J) considered the large amount of import fill needed in the development areas. The DSEIS indicates that the proposed action will require 1.1 million cubic yards of import fill in the development areas from locations throughout the Bay Area, in addition to the almost 600,000 cubic yards that will come from Candlestick Point. An additional 600,000 cubic yards of import fill will be needed for the open space areas (p. 2-40). While these fill needs will occur over a period of time, this represents a very large number of trucks. If a single truck carries 20 cubic yards, the import fill for development areas alone (not counting open space) would require over 85,000 trucks. It is not clear where the construction-phase on-road truck travel assumptions are provided.

The DSEIS also concludes that impacts from particulate matter are not cumulatively significant. CEQ advises that agencies should consider the importance of the resource as an issue (as identified through scoping) when establishing significance thresholds for cumulative effects<sup>3</sup>. The community in proximity to the development site has expressed strong concerns regarding air quality, especially during the construction phase.

*Recommendation:* Identify the on-road truck travel assumptions used to estimate emissions, and confirm that the analysis has considered emissions from these truck trips. For the cumulative impact assessment, ensure that the assessment of significance considers the context and importance of the resource to the community.

A-7 **Hazardous Waste Cleanup**

The DSEIS identifies the hazardous contaminants that are associated with the site parcels and provides a general overview of the status of the cleanup that is occurring on the site pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund (Section 3.7). The DSEIS does not regard the cleanup to be part of the proposed project because it would occur whether or not the site was developed. We understand this approach and believe that the public has numerous opportunities to participate and learn about the cleanup through the Superfund remediation process, which is not subject to NEPA. However, it is still important that the information regarding how the proposed development will interface with the cleanup remedies be presented in the NEPA document. The analytical method identified in the DSEIS states that the impact assessment focuses on whether the physical development of the proposed action could expose construction and maintenance workers, visitors, occupants, or ecological systems to potential hazards associated with contaminants (p. 4.7-3), yet there is no such discussion. The DSEIS simply identifies the CERCLA requirement that remedial action will occur sufficient to protect human health and the environment, and the concept of institutional controls.

*Recommendation:* The FSEIS should, at a minimum, discuss each land use for each cleanup parcel, for all of the alternatives. It should identify what the cleanup remedy will (or is expected to) be for that parcel and describe the proposed development activities that

<sup>3</sup> Council on Environmental Quality, *Considering Cumulative Effects under the National Environmental Policy Act*, p. 45

would occur there during construction. It should discuss how construction activities could come in contact with any contamination that may remain onsite and if/how the development might affect the final remedy. If the development is part of the remedy, the FSEIS should disclose this. It should discuss the institutional controls for that parcel in the context of the proposed land use for the operational phase. Since the project would alter the timeline of when the public could access portions of the site, the NEPA document should provide an overview of the monitoring that would occur pursuant to the Superfund cleanup, and estimate the location of the nearest potential onsite receptors that could occur under the development scenario. This overview would provide a clearer picture of when and where cleanup, development, and public access will be happening simultaneously. It would also clarify the project's mitigation measures in context, allowing for a better determination of their effectiveness.

A-7

## Environmental Justice

### ***Disproportionate health impacts from air pollutants and traffic***

The DSEIS concludes that cumulative air quality impacts will not disproportionately impact the EJ population. While the health risk assessment determined that impacts from diesel particulate matter are less than significant, the FSEIS should still note that even short-term exposure can be harmful. EPA's *Health Assessment Document for Diesel Engine Exhaust*<sup>4</sup> concludes that short-term (e.g. episodic) exposure to diesel exhaust can cause acute irritation of the eyes, throat, and bronchial region, neurological symptoms (e.g. lightheadedness and nausea), and respiratory symptoms, such as a cough. Children may be particularly sensitive to impacts from diesel exhaust<sup>5</sup>. This 2002 EPA health assessment was based on Tier 1 engines, and it is commendable that the project will phase in cleaner Tier 2 engines ahead of regulatory requirements (p. 4.2-10); however, 50% of the fleet during the first 2 years of construction would still be composed of older engines (p. 4.2-10). There is evidence that low income and minority communities are more vulnerable to pollution impacts than other communities. Disadvantaged, underserved, and overburdened communities are likely to have pre-existing deficits of both a physical and social nature that make the effects of environmental pollution more, and in some cases, unacceptably, burdensome<sup>6</sup>. The DSEIS did not identify these pre-existing health liabilities in the local population and this is a significant omission for an EJ analysis. Bayview/Hunters Point residents have substantially higher rates of hospitalizations and emergency room visits for preventable conditions such as asthma, congestive heart failure, and diabetes<sup>7</sup>.

A-8

<sup>4</sup> May 2002, Available: <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=29060>. The assessment's health hazard conclusions are based on exposure to exhaust from diesel engines built prior to the mid-1990s. The health hazard conclusions, in general, are applicable to engines currently in use, which include many older engines. As new diesel engines with cleaner exhaust emissions replace existing engines, the applicability of the conclusions in this Health Assessment Document will need to be reevaluated.

<sup>5</sup> Children are believed to be especially vulnerable due to higher relative doses of air pollution, their developing lungs and immune systems, smaller diameter airways, and more active time spent outdoors and closer to ground-level sources of vehicle exhaust.

<sup>6</sup> EPA's *Framework for Cumulative Risk* ([www.epa.gov/OSA/raf/publications/pdfs/frmwrk\\_cum\\_risk\\_assmnt.pdf](http://www.epa.gov/OSA/raf/publications/pdfs/frmwrk_cum_risk_assmnt.pdf)) and the *National Environmental Justice Advisory Council's (NEJAC) Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts* (<http://www.epa.gov/compliance/ej/resources/publications/nejac/nejac-cum-risk-rpt-122104.pdf>)

<sup>7</sup> Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project EIR, Volume VII: Comments & Responses, p. C&R-69.

A-8 Traffic impacts were identified as disproportionately impacting the EJ population (p. 6-18), but the health effects of traffic were not mentioned. Increases in stress as a result of traffic congestion and the additional noise during both construction and operation phases can cause health impacts in some populations<sup>8</sup>.

*Recommendation:* The FSEIS should document the pre-existing health vulnerabilities in the population and ensure that the EJ analysis and conclusions consider these vulnerabilities.

A-9 ***Impacts to Children***

The DSEIS concludes that there would be no health and safety impacts to children (p. 6-18), but there is no analysis nor discussion preceding this conclusion. The DSEIS acknowledges significant traffic impacts during both the construction and operational phases (pp. 4.1-30, 4.1-33), and traffic safety hazards appear to be a real possibility. The DSEIS states that development of a construction access route that avoids residential areas to the extent feasible could reduce, but would not necessarily avoid, disproportionate traffic impacts, but says that it is not known whether it will be feasible to reroute traffic to avoid all residential areas.

*Recommendation:* The FSEIS should assess traffic safety impacts to children from construction and operation of the project. Provide further discussion on the feasibility of avoiding residential areas during construction and propose mitigation to ensure that safety for children, especially in areas near schools and playgrounds, is addressed. The FSEIS should indicate whether this mitigation will be pursued.

A-10 ***Community Benefits Plan***

The Community Benefits Plan in Appendix O that was developed by the City offers many benefits to the community, including \$2,000,000 for pediatric wellness. The plan includes a community benefits fund, but it is not clear if this fund would be available to the community to address the specific project related concerns that were identified by the local community during the Navy's public outreach meetings (Table 6.4.4-1 - Overview of Community Outreach Meetings and Comments), including impacts that might appear during project construction. Potential projects that could address community concerns include technical assistance for the community to interpret environmental documents; air filtration systems; mobile asthma clinics; or other community identified mitigation measures.

One example of a successful mitigation fund is the Port of Los Angeles's "Port Community Mitigation Trust Fund." This fund is managed by a nonprofit organization, which distributes the money to pay for projects that mitigate environmental justice impacts from Port of Los Angeles activities.

---

<sup>8</sup> See Gee GC, and Takeuchi DT.. "Traffic stress, vehicular burden and well-being: a multilevel analysis." Soc Sci Med. 2004 Jul;59(2):405-14, (<http://www.ncbi.nlm.nih.gov/pubmed/15110429>). Also Peters A, von Klot S, Murray A, et al. "Exposure to Traffic and the Onset of Myocardial Infarction". *New England Journal of Medicine*, Vol. 351, No. 17. 21 October 2004, (<http://www.ncbi.nlm.nih.gov/pubmed/15496621>).

*Recommendation:* The FSEIS should clarify the scope of the community benefits fund. The FSEIS should also describe how the Community Benefits Plan will be administered, including the parties responsible for implementation of the components, the tracking and monitoring that will occur, and how this information will be shared with the public.

A-10

### ***Low Income Designation***

The DSEIS identifies the project site as minority, but not low-income, because the low income households in the project vicinity, as measured by the U.S. Census, comprise 16.7% of all households, which is less than 10 percentage points higher than the base communities (p. 6-11). It is not clear why a minimum of 10 percentage points higher than the reference community average is being used as a criterion for defining “low-income”. Due to the high cost of living in California, especially San Francisco, substantial low-income populations might not be captured if such a high threshold is used.

A-11

*Recommendation:* The FSEIS should use a lower threshold for identifying low-income populations. Block groups that have a higher percentage than the state average (12.4%) for households living in poverty could be used to more accurately capture low-income communities in the area.

### **Mitigation Measures**

We understand that under the Base Realignment and Closure (BRAC) Program, when the decision to dispose of the property has been made, the Navy relies on the development alternatives and mitigation measures presented in the community’s development plan. The DSEIS indicates that mitigation for impacts associated with reuse of Hunters Point Shipyard would be the responsibility of the City of San Francisco or a reuse organization approved by the City (p. ES-18). It specifies that mitigation for transportation improvements to address significant traffic impacts would be the responsibility of the future developers of Hunters Point and/or the City and County of San Francisco (p. 4.1-3), but it also presents mitigation in a tentative manner. For example, for noise impacts, it states that the contractor *could* consider use of noise barriers; and new residences *could* include sound attenuating elements (p. 2-113). For impacts to wetlands, it states that the applicant *should* prepare a wetlands and jurisdictional waters mitigation monitoring plan (p. 2-119). It is not clear which mitigation measures will be implemented nor what mechanism will ensure mitigation will occur. This should be disclosed in the Navy’s NEPA document.

A-12

*Recommendation:* The FSEIS should clearly identify the mitigation that would occur for the proposed project and the party responsible for implementation. Indicate whether there is sufficient funding for mitigation, identify the authority for the mitigation (i.e. legal requirements by state or local government entities), and identify the mechanism by which enforcement of mitigation would occur. This is consistent with CEQ’s recently issued guidance on the appropriate use of mitigation and monitoring<sup>9</sup>. In it, CEQ also states that mitigation commitments should be carefully specified in terms of measureable performance standards or expected results so as to establish clear performance expectations. The timeframe for the action should also be specified to ensure that the intended start date and duration of the mitigation commitment is clear.

<sup>9</sup> [http://ceq.hss.doe.gov/current\\_developments/docs/Mitigation\\_and\\_Monitoring\\_Guidance\\_14Jan2011.pdf](http://ceq.hss.doe.gov/current_developments/docs/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf)

A-13 **Water Quality**

The DSEIS states that the installation of foundation support piles, including potential for groundwater contamination, and methods to reduce the potential of encountering contaminated sediments while implementing shoreline improvements is discussed in Section 4.7, Hazards and Hazardous Substances (p. 4.9-6); however, no discussion of this was found in this section. It also states that potential impacts from shoreline improvements, including contaminant remobilization, would be addressed in the Stormwater Pollution Prevention Plan and does not provide any discussion of how this would occur.

The cleanup status discussion of parcel F (offshore areas) references numbered subareas (p. 3.7-23), but no map is included to facilitate understanding of these references.

*Recommendation:* The FSEIS should discuss the methods that would be used to reduce the potential for encountering and remobilizing contaminated sediments while implementing shoreline improvements. Include a map of Parcel F subareas.

A-14 **Wetlands and Waters of the U.S.**

The DSEIS states that the project will permanently impact 0.17 acres of seasonal freshwater wetlands and permanently alter over 20 acres of bay habitat (p. 4.13-7). It states that the project applicant should prepare and implement a wetland and jurisdictional waters mitigation monitoring plan (p. 2-119) and that the acquiring entity would be responsible for implementing the necessary mitigation measures, which would be specified during the permitting process (p. 2-27).

*Recommendation:* The FSEIS should indicate how the applicant and acquiring entity will comply with the Federal Guidelines under Clean Water Act (CWA) Section 404(b)(1), which requires applicants to clearly demonstrate that the proposed project represents the least environmentally damaging practicable alternative (LEDPA) that achieves the basic project purpose. A 404(b)(1) alternative analysis is required for the CWA 404 permit. This alternatives analysis must evaluate a full range of alternatives and select the LEDPA as the preferred alternative. The proposed mitigation must fully comply with the April 10, 2008, Corps and EPA "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule" (Mitigation Rule) 40 CFR 230 (See <http://www.epa.gov/EPA-WATER/2008/April/Day-10/w6918a.pdf>).



## Response to Comments

*United States Environmental Protection Agency, May 6, 2011*

### Response to Comment A-1

The comment is acknowledged regarding additional DoN public outreach that was conducted in response to USEPA's scoping comments and concerns.

### Response to Comment A-2

The methodology and assumptions utilized in the air quality analysis are detailed in Section 3.2 (Air Quality and GHG), Section 4.2 (Air Quality and GHG), and Appendix J (Air Emissions Calculations) of the FSEIS. Specifically, the significance thresholds of criteria pollutants for both the action alternatives and the cumulative analysis rely on guidelines developed by the Bay Area Air Quality Management District (BAAQMD) to evaluate air quality impacts from projects proposed in the San Francisco Bay Area Air Basin.

The analysis of potential air quality and GHG impacts contained in the FSEIS relies on build-out assumptions (e.g., construction equipment, operational traffic, stationary sources, etc.) and analysis methods used in the Candlestick Point-Hunters Point Shipyard Phase II Development Plan *Final EIR* (SFRA 2010) to estimate project air quality impacts. Section 4.2.1.2 of the FSEIS identifies the methods and assumptions used in the analysis. For example, as stated in Section 4.2.1.2.1, "Fill material transport was calculated using truck trips and trip mileage estimated in the EIR (*Appendix A5, ENVIRON, Updated Project Phasing Effect on Air Quality and Climate Change Analyses* (SFRA 2010))." Appendix J of the FSEIS contains details of the assumptions that were used to estimate emissions from project construction and operational activities (see Tables J-9A through J-17). In particular, Table J-9B (Activity Data – Construction Truck Traffic) identifies that 326,306 total haul truck trips would occur from project construction. The truck trips needed to import fill during project construction are included as part of these total truck trips.

The construction impact analysis assumes that the project construction contractor would implement all fugitive dust control measures recommended by the BAAQMD in their CEQA Air Quality Guidelines, including all Basic and Additional Construction Mitigation Measures (BAAQMD 2011). The BAAQMD estimates that implementation of the Basic and Additional Construction Mitigation Measures would reduce uncontrolled fugitive PM dust emissions by 75 percent (CEQA Air Quality Guidelines Appendix B). In addition, the construction contractor would comply with the dust control measures required by *San Francisco Health Code Article 22B, Construction Dust Control*. All proposed fugitive dust controls would be documented in a project Dust Control Plan (DCP) that would be approved by the BAAQMD and the San Francisco Department of Public Health (DPH) prior to initiation of ground disturbing activities at the project site. It is expected that monitoring

to ensure strict compliance with the DCP would produce a fugitive dust control efficiency of over 90 percent. This text has been added to Sections 4.2.1.2.1 and 4.2.2.1.1 of the FSEIS. Development of the DCP and implementation of the dust control measures would be the responsibility of the future developer or owner of the property. Monitoring results would be submitted to the DPH to verify compliance with DCP requirements. The DoN would not be involved in that process.

The cumulative impact assessment qualitatively addressed the cumulative contributions of particulate matter from the project alternatives based on regional guidance. The air quality assessment in FSEIS Section 5.3.2.1 concludes that proposed construction activities would produce less than significant cumulative impacts to particulate matter levels. This impact determination is based on BAAQMD and DPH guidelines that require construction contractors to implement an effective DCP, plus environmental controls proposed in the FSEIS that would implement diesel particulate control devices on project construction equipment. Implementation of the project DCP is key to ensuring that proposed construction activities would not produce significant cumulative impacts to particulate matter levels within the project region. The cumulative impact assessment also addressed concerns raised by the public during a scoping meeting about potential air quality impacts resulting from development in the project area. With implementation of approved DCP measures, it is expected that air emissions from proposed construction activities would not produce significant impacts for particulate emissions (PM<sub>10</sub>/PM<sub>2.5</sub>) nor would they contribute significantly to cumulative impacts.

**Response to Comment A-3**

Section 3.7 has been revised to clarify the development/cleanup interface. CERCLA institutional controls (ICs) selected as components of CERCLA remedial action will establish land use restrictions on development by both restricting general land use categories (e.g., prohibiting residential use in areas specified in CERLCA Records of Decision (RODs) and other CERCLA documents) and by restricting certain activities (e.g., prohibiting activities that could damage remedial equipment such as groundwater treatment systems). Specifically, Section 3.7.1 has been revised to explain that redevelopment and reuse activities are not CERCLA response actions. However, CERCLA response actions are designed to be consistent and integrated with and support future redevelopment and reuse and may in some cases impose some use restrictions upon such redevelopment and reuse. Appropriate controls to protect human health and the environment have been, and will continue to be, incorporated into the selection, design and implementation of those response actions. Section 3.7.2.1 describes the process and requirements for property transfer under CERCLA, and Section 3.7.3.3 explains that potential early transfer of parcels on the project site would be conducted in a manner that provides

adequate protection of human health and the environment from exposure to hazardous substances as required by CERCLA.

Potential environmental effects of CERCLA response actions (e.g., of soil excavation, soil transport, and operation of treatment systems) have been, and will continue to be, evaluated by DoN and regulatory agencies in conjunction with the approval process for specific response actions selected and implemented by the DoN under CERCLA. CERCLA response actions are not redevelopment and reuse activities but are designed to be consistent and integrated with and support future redevelopment and reuse and may in some cases impose some use restrictions upon such redevelopment and reuse. Appropriate controls to protect human health and the environment have been, and will continue to be, incorporated into the selection, design and implementation of those response actions.

**Response to Comment A-4**

The current, updated *Community Benefits Plan* (CBP) is included in Appendix O of the FSEIS. The CBP is part of the *Disposition and Development Agreement* (DDA) between SFRA and the developer, Lennar Urban. Environmental Justice Section 6.5.2.2, Air Quality, has been revised to clarify the scope of the community benefits fund and how it will be administered. These benefits include a full-service health care clinic, a center for youth wellness, and other community development needs and services. Other community benefits, including technical assistance and communications, are presented in Section 6.4.4, Public Outreach.

Mitigation for impacts associated with reuse of HPS would be the responsibility of the City/County or SFRA, as documented in the FEIR Section 4, Environmental Consequences resource sections, the HPS Redevelopment Plan, the DDA, other planning documents, applicable zoning, and permits and regulations, and will be the responsibility of the acquiring entity (future developer or owner of the property). It is expected that all redevelopment activities would adhere to applicable local, state, and federal laws and regulations. The DoN would not be responsible for implementation, management, and monitoring of mitigations or avoidance measures related to the construction and operation of a non-federal project (i.e., the redevelopment plan). This is addressed in Chapter 4, Environmental Consequences, of the FSEIS, which provides the lead-in to the impact analysis.

The FSEIS has been revised to provide additional information about the proposed mitigation, including assigning responsibility for mitigation implementation, oversight, and regulatory authority as known, and timeframes for implementation. In addition, the mechanisms and funding for the mitigations are presented as available. These changes have been made in the text of the transportation (Section 4.1), noise (Section 4.3), cultural (Section 4.12), and biology (Section 4.13) resource areas. Reuse mitigation measures in the FSEIS have also been reviewed and updated for



completeness and consistency throughout the document, and revisions have been made to clearly indicate that they would be implemented because all development will need to adhere to approved redevelopment plans, agreements, and other applicable municipal zoning, planning documents, and permits and regulations.

**Response to Comment A-5**

The project design for the redevelopment process developed by the city and SFRA takes into consideration public concerns with transport of pollutants during construction, including naturally-occurring asbestos, and includes requirements for extensive dust control measures to significantly reduce the transport of particulate matter during construction beyond the property boundary.

Please refer to the response to Comment A-2 regarding the expected efficiency of the fugitive dust control measures in the project DCP. As described in that response, the future developer or owner of the property would be expected to implement all established fugitive dust control measures, as required by the BAAQMD and San Francisco Health Code Article 22B. A project DCP would be submitted as part of the project grading permit, after consultation and approval from the BAAQMD and the DPH and prior to initiation of ground-disturbing activities at the project site. It is expected that monitoring to ensure strict compliance with the DCP would produce a fugitive dust control efficiency of over 90 percent. Also, it is expected that the future developer or owner of the property would comply with all other applicable local, state, and federal laws and regulations (see response to Comment A-4). The DoN would not be responsible for the redevelopment or for implementing these or other mitigation measures related to property redevelopment.

The DoN agrees that measures developed for the DCP would need to consider actions taken to rectify dust violations that occurred during site grading of Parcel "A" to ensure that a similar situation would not occur with project construction. Because the BAAQMD should be fully aware of the Parcel A issues that led to their enforcement actions, it is the DoN's expectation that the BAAQMD would not approve the DCP unless it effectively deals with similar fugitive dust issues for the proposed action. The BAAQMD also conducts inspections when it receives a citizen complaint regarding an emissions exceedance or a nuisance situation. The BAAQMD would identify whether the situation violates any existing rules and can levy fines and even shut down the operation until the conditions that resulted in the violation are corrected.

The DoN does not have the authority or responsibility to prepare, implement, or monitor a DCP for the proposed action. Because development of the DCP would occur at a later date, it is mentioned as a requirement in the FSEIS but is not described in detail. However, FSEIS Section 4.2.2.1.1, under Impact Factor 1 Environmental Controls, identifies many of the fugitive dust control measures that would be included in the project DCP.

With implementation of approved DCP measures, it is expected that air emissions from proposed construction activities would not produce significant impacts for particulate emissions (PM<sub>10</sub>/PM<sub>2.5</sub>). Monitoring results would be submitted to the DPH to verify compliance with DCP requirements. Because all feasible measures are incorporated into the project design, additional mitigations are not identified in the SEIS.

**Response to Comment A-6**

As described in response to Comment A-2, the analysis of potential air quality and GHG impacts contained in the FSEIS relies on build-out assumptions and analysis methods used in the Candlestick Point-Hunters Point Shipyard Phase II Development Plan *Final EIR* (SFRA 2010) to estimate project air quality impacts. For example, as stated in Section 4.2.1.2.1, “Fill material transport was calculated using truck trips and trip mileage estimated in the EIR (*Appendix A5, ENVIRON, Updated Project Phasing Effect on Air Quality and Climate Change Analyses* (SFRA 2010).” Appendix J of the FSEIS contains details of the assumptions that are used to estimate emissions from project construction and operational activities (see Tables J-9A through J-17). In particular, Table J-9B (Activity Data – Construction Truck Traffic) identifies that 326,306 total haul truck trips would occur from project construction. The truck trips needed to import fill during project construction are included as part of these total truck trips.

The project air quality analysis and cumulative impacts assessment in the FSEIS consider the context and importance of the communities concerns regarding potential air quality impacts resulting from development in the project area that were raised by the public at a scoping meeting on 23 September 2008. These issues are summarized in Section 1.4.1.1, Public Scoping Process. A key issue identified during the public scoping process was the need to address air quality issues during project construction through monitoring and mitigation measures. In response to this public issue, the project design is committing the future developer or owner of the property to developing and implementing an approved DCP with extensive dust control measures so that air emissions from proposed construction activities would not produce significant impacts for particulate emissions (PM<sub>10</sub>/PM<sub>2.5</sub>).

The assessment of cumulative air quality impacts is also based on a list of related projects identified by the DoN, the city, Port of San Francisco, neighboring jurisdictions, and/or on full implementation of the city’s General Plan and/or other planning documents, depending on the specific impact being analyzed. This list of projects includes the Candlestick Point – Bay View Waterfront Redevelopment. The region of influence evaluated for project cumulative air quality impacts is the San Francisco Bay Area Air Basin (SFBAAB).

As described in the response to Comment A-2, the cumulative impact assessment qualitatively addresses the contributions of particulate matter from the project alternatives based on regional guidance. The air quality assessment in FSEIS Section 5.3.2.1 concludes that proposed construction activities would produce less than significant cumulative impacts to particulate matter levels. This impact determination is based on BAAQMD and DPH guidelines that require construction contractors to implement an effective DCP, plus environmental controls proposed in the FSEIS that would implement diesel particulate control devices on project construction equipment. Implementation of the project DCP is key to ensuring that proposed construction activities would not produce significant cumulative impacts to particulate matter levels within the project region.

**Response to Comment A-7**

Section 3.7 has been revised to clarify the development/cleanup interface, identification of the proposed land use for each HPS cleanup parcel, and identification of the Institutional Controls (ICs) for each parcel. CERCLA institutional controls (ICs) selected as components of CERCLA remedial action will establish land use restrictions on development by both restricting general land use categories (e.g., prohibiting residential use in areas specified in CERLCA Records of Decision (RODs) and other CERCLA documents) and by restricting certain activities (e.g., prohibiting activities that could damage remedial equipment such as groundwater treatment systems). Specifically, Section 3.7.1 has been revised to explain that redevelopment and reuse activities are not CERCLA response actions. However, CERCLA response actions are designed to be consistent and integrated with and support future redevelopment and reuse and may in some cases impose some use restrictions upon such redevelopment and reuse. Appropriate controls to protect human health and the environment have been, and will continue to be, incorporated into the selection, design and implementation of those response actions. Section 3.7.2.1 describes the process and requirements for property transfer under CERCLA, and Section 3.7.3.3 explains that potential early transfer of parcels on the project site would be conducted in a manner that provides adequate protection of human health and the environment from exposure to hazardous substances as required by CERCLA.

Additionally, under “Construction Impacts from the Presence of Hazardous Substances” for each NEPA alternative, the SEIS explains that requirements of CERCLA including work plans approved by FFA signatories and ICs will be in place to ensure adequate protection of human health and the environment during development of the project site. Potential hazards to workers, visitors, occupants and ecological systems associated with CERLCA hazardous substances have been identified and evaluated in the CERCLA Remedial Investigation/Feasibility Study reports developed for the HPS CERCLA remedy selection process, and CERCLA RODs specify remedial actions that will ensure that these

potential receptors will be adequately protected as required by CERCLA and the NCP. These documents are available for public review in repositories at the City of San Francisco Main Library (100 Larkin St. San Francisco, CA 94102) and the downtown San Francisco library. Information is also available on the Navy's HPS website at [www.bracpmo.navy.mil](http://www.bracpmo.navy.mil).

Specific Responses to EPA Recommendations:

**Recommendation No. 1:** “The FSEIS should, at a minimum, discuss each land use for each cleanup parcel, for all of the alternatives. It should identify what the cleanup remedy will (or is expected to) be for that parcel and describe the proposed development activities that would occur there during construction.”

**Response:** The FSEIS addresses the same NEPA alternatives in Chapter 4.7. However, the FSEIS has been revised to specifically identify the proposed land use for each HPS cleanup parcel and provide a more detailed description of CERCLA response actions.

**Recommendation No. 2:** “It should discuss how construction activities could come in contact with any contamination that may remain onsite and if/how the development might affect the final remedy.”

**Response:** See General Response to Comment A-7 above. Specific descriptions of ICs that would apply in the context of the proposed future land use have been added to Section 3.7 of the FSEIS and are also set forth in the CERCLA RODs and associated CERCLA documents such as the Remedial Investigation/Feasibility Study reports and Remedial Design Reports, including Land Use Control Remedial Design reports that specifically address ICs.

**Recommendation No. 3:** If the development is part of the remedy, the FSEIS should disclose this. It should discuss the institutional controls (ICs) for that parcel in the context of the proposed land use for the operational phase.

**Response:** See general response to comment A-7 above including the discussion of the revisions to Section 3.7.1.

**Recommendation No. 4:** “Since the project would alter the timeline of when the public could access portions of the site, the NEPA document should provide an overview of the monitoring that would occur pursuant to the Superfund cleanup, and estimate the location of the nearest potential onsite receptors that could occur under the development scenario. This overview would provide a clearer picture of when and where cleanup, development, and public access will be happening simultaneously. It would also clarify the project's mitigation measures in context, allowing for a better determination of their effectiveness.”

**Response:** See General Response to Comment A-7 above. Monitoring requirements relating to remedial actions are addressed in the CERCLA RODs and related documents as are potential risks to receptors during the course of the development process. It is not appropriate to address an integrated schedule for remediation and development in Chapter 3.7 and 4.7. CERCLA RODs and associated CERCLA documents specify how remediation will be integrated into the redevelopment process. To the extent that USEPA's comment implies that CERCLA remedial action is NEPA mitigation, the DoN does not agree. As USEPA acknowledges earlier in its comments, NEPA does not apply to CERCLA remediation.

**Response to Comment A-8**

With regard to short-term effects of exposure to diesel exhaust and impacts on children, text has been added to Environmental Justice Section 6.5.2.2 in the FSEIS indicating that even though the health risk assessment found that impacts from air pollutants would not be significant, short-term exposure can nevertheless have health impacts (e.g., cause acute irritation of the eyes, throat, and bronchial region, neurological symptoms such as lightheadedness and nausea, and respiratory symptoms, such as a cough). In addition, children may be particularly sensitive to impacts from diesel exhaust. More information on the evaluation of sensitive receptors such as school facilities has been incorporated in Section 6.4.3.4 based on the conclusions of the Health Risk Assessment, which is cited in Air Quality Sections 4.2.2.1.1 and 4.2.2.2.1 (construction and operational impacts of criteria and toxic pollutants, respectively). In particular, the Health Risk Assessment for this project takes into consideration locations of schools and health impacts to school-age children from toxic air contaminants (see Section 4.2.2.2.1, Criteria Pollutants).

With regard to the vulnerability of low-income and minority communities to pollution impacts and presence of pre-existing health liabilities in the local community, the text in Environmental Justice Section 6.4.3 in the FSEIS has been augmented and incorporates information provided by USEPA. An example of the additional text follows: "Low income and minority communities are more exposed to pollution impacts for several reasons (e.g. closer proximity to industrial and highway pollution sources, occupying housing that is old or inadequately maintained, having more limited information about pollution effects and avoidance and having more limited access to health care, etc.) and thereby, are potentially more vulnerable." In addition, text added to FSEIS Section 6.5.2.2 now cross-references data on the results of the Health Risk Assessment (already described in the air quality impact analysis and DEIR Appendix H3) for project-related cancer and non-cancer risks compared to significance thresholds to more clearly illustrate the nature of the health risks and the environmental controls that would be in place.

Traffic impacts related to environmental justice populations would be associated with construction, which would be temporary, and with

project-related traffic congestion at up to nine intersections in the community and on-ramp congestion at six locations. In addition, transit system impacts would likely affect local residents more than the general population. These impacts would fall disproportionately on EJ populations, as described in Section 6.5.2.1 of the FSEIS. However, it is not clear that these impacts correlate with adverse health effects. In addition, the project would not be the sole contributor to the congestion and consequent health effects: congestion identified in the analyses would not be solely attributable to the project.

A discussion of pre-existing public health vulnerabilities has been added to Section 6.4.3 in the FSEIS to document the current status of the community in relation to city-wide health outcomes. As described above, these vulnerabilities are considered in the revised environmental justice discussion in the FSEIS.

**Response to Comment A-9**

As noted in the response to Comment A-8, the FSEIS has been revised to further clarify effects on children from traffic. The existing section refers the reader to the Human Health Risk Assessment (already described in the air quality impact analysis and Appendix H3) with respect to health-related air pollutant impacts to EJ populations from traffic.

Also, similar to the response to Comment A-8, it is not clear that traffic associated with construction or operation-related transportation impacts correlate with adverse safety effects.. In addition, the project would not be the sole contributor to the congestion and consequent safety effects: congestion identified in the analyses would not be solely attributable to the project. Also, as discussed more fully below, both Mitigation 1 and Mitigation 2 for transportation would address safety-related impacts to school children (among many other considerations) that would minimize potential safety-related impacts. With regard to re-routing traffic, the transportation routes considered during construction and operation are those most suited to truck traffic and, therefore, inherently avoid residential areas or schools to the extent possible. The feasibility of further route restrictions is uncertain.

Environmental Justice Section 6.5.4.1, Transportation, Traffic, and Circulation, has been revised in the FSEIS to provide additional discussion regarding potential traffic safety impacts to children from construction and operation of the proposed action, including Cross-references to existing figures in the public services, land use and transportation sections have been added in Section 6.5.4.1 to further address traffic impacts on children including:

- Locations of SFUSD and private schools in the project vicinity are shown in Figure 3.11.3-2.
- Existing residential land use is shown in Figure 3.4.3-3.

- Proposed roadway and transit improvements and bicycle and pedestrian circulation plans are illustrated in Figures 4.1.1-4 through 4.1.1-7. Proposed improvements for example, include new signalization and new and enhanced sidewalks on Palou Ave near an existing elementary school.
- Figure 4.1.1-2 identifies future 2030 baseline weekday A.M. and P.M. peak hour traffic volumes, including projected project traffic. Two intersections at Evans Ave and Jennings St and Palou Ave and Third St illustrate traffic in the vicinity of two elementary schools.

With regard to the comments on mitigation, transportation mitigation described in Section 6.5.2.1 of the FSEIS would benefit vehicle passengers, transit riders, as well as pedestrians and bicyclists, including children. Transportation Mitigation 1 would minimize safety impacts to children and other members of the public by incorporating safety measures, public information strategies, and other measures as part of a Construction Transportation Management Plan (TMP), which must be approved by the San Francisco Metropolitan Transit Authority (SFMTA). The Construction Transportation Management Plan would set forth specific truck routing, lane and sidewalk closures, traffic management procedures, and appropriate temporary facilities, including pedestrian walkways, to ensure safe and efficient movement of people in the project area during construction phases. Note that each TMP is unique to the associated project, but that most TMPs share common measures. In particular, TMPs required in the City of San Francisco typically address pedestrian and bicycle safety; accessibility to public facilities; and the proximity of schools to the transportation routes. In proximity to schools, specific measures requiring traffic and pedestrian controls during morning arrival and afternoon departure times would be required. As noted in Section 4.1.3.1.1 of the FSEIS, preparation and implementation of the TMP (Mitigation 1) identified in the FEIR (SFRA 2010) and the cost of the implementation would be the responsibility of the future developer or owner of the property, and would be reviewed and approved by SFMTA and San Francisco Department of Public Works (DPW) prior to initiation of construction. The TMP would be implemented at first sub-phase application and updated with each subsequent sub-phase application. The SFMTA, DPW, SFRA, and Department of Building Inspection (DBI) would be responsible for the enforcement of the mitigation and the SFRA and DBI would be responsible for the compliance monitoring throughout the construction period.

With regard to significant traffic impacts during operations, Transportation Mitigation 2, which requires a Transportation Demand Management (TDM) Plan to reduce reliance on single occupancy vehicle use, would reduce the project's contribution to peak traffic and the associated potential for adverse safety impacts. In addition, improvements to roadways, sidewalks, signalization, and other items are proposed as part of the project alternatives. Also, it is

expected that the future developer or owner of the property would comply with all other applicable local, state, and federal laws and regulations. Implementation of the measures above would minimize the potential for traffic safety impacts on children.

Implementation of the TDM program would be funded either by the future developer or owner of the property, or the Transportation Management Association (TMA). The DoN would not be responsible for the redevelopment or for implementing these or other mitigation measures related to property redevelopment. The final TDM plan would be approved as part of the DDA, and timing of mitigation components would be specified within the final TDM plan. The SFRA would be responsible for enforcing the mitigation, and the SFRA and CP-HPS Transportation Management Association (TMA) would be responsible for the compliance monitoring.

**Response to Comment A-10**

The current, updated *Community Benefits Plan*, included in Appendix O of the FSEIS, and discussed in Environmental Justice Section 6.5.2.2, Air Quality, clarifies the scope of the community benefits plan and associated fund and how they will be administered. Benefits would include a Southeast Health Center and Center for Youth Wellness in the Bayview neighborhood; funds for programming related to the health and wellness of residents in the project site and local community; and funds to eliminate blight and/or meet other community development needs. Funding would be provided by the developer. The SFRA would be responsible for administering the plan, monitoring funds, and sharing information with the public via the Citizens Advisory Committee (CAC, <http://www.hpscac.com/>) and Project Advisory Committee (PAC, <http://bvhp-pac.org/>) organizations. The DoN will have no authority or responsibility over fund implementation, management, or monitoring.

**Response to Comment A-11**

Text has been added to Section 6.4.3.2 of the FSEIS to cite cost-of-living issues and include other comparisons that indicate that the percent low-income at the project site of 16.7 percent exceeds the state average of 12.4 percent, the metropolitan area average of 9.0 percent, and the City and County of San Francisco at 10.6 percent.

While the 10 percent differential is consistent with the analysis performed for the EIR (Appendix C1), it is not used as a criterion in the environmental justice impact assessments in the FSEIS. Therefore, while the comment is correct, the 10 percent criterion does not affect the environmental justice impact analysis. All nearby minority and low-income populations are addressed in the FSEIS, and impacts are considered to fall disproportionately on minority and low-income populations for Transportation, Traffic, and Circulation (Section 6.5.6.1) and Noise (Section 6.5.6.2). A different percentage criterion (or none at all) would not change the conclusions of the FSEIS with regard to environmental justice impacts. Where significant unavoidable adverse impacts are identified for a resource, the potential environmental justice



effects are evaluated with respect to the severity and magnitude of the effect on protected populations regardless of whether the percentage of low-income populations in the affected area is 10 percent greater than the surrounding comparison populations.

**Response to Comment A-12**

The DoN acknowledges USEPA's concern, consistent with recent CEQ guidance, about the need to clearly specify mitigation commitments, performance expectations, funding sources, and timeframes in a NEPA document.

As noted in the comment, mitigation for impacts associated with reuse of Hunters Point Shipyard would be the responsibility of the City/County or SFRA as documented in the FEIR, *HPS Redevelopment Plan*, the DDA agreement, other planning documents, applicable zoning, and permits and regulations, and would be the responsibility of the acquiring entity (future developer or owner of the property). It is expected that all redevelopment activities would adhere to applicable local, state, and federal laws and regulations. The federal action is disposal of surplus property, and the land (HPS) would no longer be owned by the DoN. Therefore, the DoN would not be responsible for implementation, management, and monitoring of mitigations or avoidance measures related to the construction and operation of a non-federal project (i.e., the redevelopment plan). This is addressed in Chapter 4 (Environmental Consequences) of the FSEIS, which is the lead-in to the impact analysis.

However, the FSEIS has been revised to provide additional information about the proposed mitigation, including assigning responsibility for mitigation implementation, oversight, and regulatory authority where known, and timeframes for implementation. In addition, the mechanisms and funding for the mitigations are presented when that information is available. These changes have been made in the text of the transportation, noise, cultural, and biology resource areas. Reuse mitigation measures in the FSEIS have also been reviewed and updated for completeness and consistency throughout the document, and revisions have been made to clearly indicate that they would be implemented because all development will need to adhere to approved redevelopment plans, agreements, and other applicable municipal zoning, planning documents, and permits and regulations.

**Response to Comment A-13**

Revisions have been made to Water Resources Section 4.9.2.1, Construction Impacts in the FSEIS, to be consistent with Section 4.7, Hazards and Hazardous Substances, regarding encountering and remobilizing contaminated sediments while implementing shoreline improvements. For example, the following text was added to Section 4.9.2.1.1:

“Construction activities related to shoreline improvements also would have the potential for remobilizing residual contamination from historical site activities. However, independent of the proposed action and this SEIS, the DoN, USEPA, DTSC, RWQCB, and CDPH would require that

before any project site development activity occurs at HPS, appropriate and legally enforceable CERCLA Institutional Controls (ICs) in the form of a recorded covenant, deed provision, easement, or lease term would be in effect and applicable. Prior to any transfer or lease of HPS property, DoN would ensure that actual or potential releases of hazardous substances have been addressed that will ensure the protection of human health and the environment following transfer. Such compliance will ensure that the property after transfer will be used in a manner that is adequately protective of the environment and human health as required by CERCLA.”

The statement that contaminant remobilization from shoreline improvements would be addressed in the Stormwater Pollution Prevention Plan was deleted.

A map showing cleanup Parcel F subareas, titled “Parcel F Investigation Subareas”, has been added to Section 3.7.4 in the FSEIS.

**Response to Comment A-14**

Section 3.13.2.1 of the FSEIS has been revised to state that before any redevelopment is implemented, the future developer or property owner would need to obtain a CWA Section 404 permit. As part of the permitting process, the permittee would prepare a Section 404(b)(1) analysis in accordance with CFR 40 Part 230 to demonstrate that the proposed project represents the least environmentally damaging practicable alternative (LEDPA).

The revisions to the FSEIS note that Section 404(b)(1) Guidelines specify that discharges of dredged or fill material into waters of the United States, including wetlands, should not occur unless it can be demonstrated that such discharges, either individually or cumulatively, would not result in unacceptable adverse effects on the aquatic ecosystem. Additionally, "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR 230.10(a)). Consequently, the applicant is required to evaluate opportunities for use of non- aquatic areas and other aquatic sites that would result in less adverse impact on the aquatic ecosystem. As noted in the comment, a Section 404 permit cannot be issued in circumstances where a less environmentally damaging practicable alternative for the proposed discharge exists (except as provided for under Section 404(b)(2)) (<http://water.epa.gov/lawsregs/guidance/wetlands/flexible.cfm> ). The revisions to the FSEIS also note that compensatory mitigation would be required to ensure no net loss to wetlands. Any compensatory mitigation proposed to offset unavoidable impacts to aquatic resources must conform to regulations specified in 40 CFR 230 ([http://www.epa.gov/owow/wetlands/pdf/wetlands\\_mitigation\\_final\\_rule\\_4\\_10\\_08.pdf](http://www.epa.gov/owow/wetlands/pdf/wetlands_mitigation_final_rule_4_10_08.pdf)). Compensatory mitigation can be achieved through four methods: restoration of a previously-existing wetland or other aquatic site, enhancement of an existing aquatic site’s functions, creation of a new aquatic site, or preservation of an existing aquatic site. The mechanisms

for providing compensatory mitigation are permittee-responsible compensatory mitigation, mitigation banks, and in-lieu fee mitigation.

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5536  
FAX (510) 286-5559  
TTY 711



*Flex your power!  
Be energy efficient!*

April 8, 2011

SF101096  
SF-101-R5.07  
SCH#1995072085

Mr. Ronald Bochenck  
Director, BRAC PMO West  
1455 Frazee Road, Suite 900  
San Deigo, CA 92108-4310

Mr. Bochenck

**Disposal and Reuse of Hunters Point Naval Shipyard – Draft Supplemental Environmental Impact Statement**

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Disposal and Reuse of Hunters Point Naval Shipyard. The following comments are based on the Draft Supplemental Environmental Impact Statement (DEIS).

As stated in the DEIS, the proposed project will cause significant and unavoidable impacts to numerous state facilities including various off-ramps. These impacts result from inadequate queue storage space which may cause traffic to spill onto the freeway mainline. The document also states that no feasible mitigation measures have been identified to mitigate these impacts. The Department acknowledges that the City and County of San Francisco (City) has a general policy not to add roadway capacity, however, adding storage to an off-ramp by widening the ramp does not add capacity to the freeway mainline. The Department strongly urges the City to evaluate such alternative measure to mitigate the queue spillover since queue spilling onto the freeway mainline will not only exacerbate the traffic condition but raises safety concerns such as the increased likelihood of rear-end collisions.

B-1

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,

A handwritten signature in blue ink that reads "Becky Frank".

BECKY FRANK  
District Branch Chief  
Federal Grants / Rail Coordination

c: State Clearinghouse

*California Department of Transportation, April 8, 2011*

**Response to Comment B-1**

The comment correctly notes that the proposed project would result in significant and unavoidable traffic impacts at various off-ramps. However, these impacts would be due to ramp junction effects, rather than inadequate queue storage space, and ramp junction impacts do not necessarily result in queue backup onto the freeway. It should be noted that queue backup was identified in the City's FEIR as an impact for the Candlestick Point area (Impact TR-15); however, this is not part of the proposed federal action evaluated in the SEIS and, therefore, impacts identified in the FEIR would not be relevant to the proposed action.

The DoN is not responsible for mitigating the impacts attributable to the future development of the HPS property. However, the DoN has shared Caltrans' concerns and comments with the City and County of San Francisco and the SFRA, who will enforce required mitigation measures throughout the life of the project.



Making San Francisco Bay Better

April 12, 2011

Director, BRAC PMO West  
Mr. Ronald Bochenek  
1455 Frazee Road, Suite 900  
San Diego, California 92108-4310

**SUBJECT:** Draft Supplemental Environmental Impact Statement  
Disposal and Reuse of Hunters Point Shipyard  
(BCDC Inquiry File No. SF.SB.6613.14; BCDC File No. CN 1-99)

Dear Mr. Bochenek:

On March 1, 2011, the San Francisco Bay Conservation and Development Commission (Commission) staff received the *Draft Supplemental Environmental Impact Statement (SEIS) for the Disposal and Reuse of Hunters Point Shipyard*, an 861-acre site located in the City and County of San Francisco. The SEIS analyzes seven alternatives, including the No Action and the "proposed action." Under the proposed action, a reuse plan (phased through Year 2032) would result in the development of: 2,650 residential units; 125,000 square feet of retail space; 2.5 million square feet of research and development office space; 50,000 square feet of community services space; an 81-foot-wide bridge at Yosemite Slough; a 69,000-seat stadium; and 232 acres of parks and open space area. The proposed reuse plan would also include demolition of existing structures, raising and grading site elevations, installing or improving infrastructure, and stabilizing and reinforcing the shoreline. Although the SEIS states that the proposed action includes a 300-slip marina, the San Francisco Redevelopment Agency recently informed the Commission staff that it no longer intends to construct the marina and, thus, this comment letter does not address issues related to marina development (e.g., associated Bay fill and maintenance dredging).

C-1

The Commission itself has not yet reviewed the SEIS. The staff comments below focus primarily on the proposed action and are based on the McAtteer-Petris Act (Cal. Gov't Code § 66600 *et seq.*), the Commission's *San Francisco Bay Plan* (Bay Plan), the *San Francisco Bay Area Seaport Plan* (Seaport Plan), the Commission's federally-approved management plan for the San Francisco Bay, and the federal Coastal Zone Management Act (16 U.S.C. § 1451 *et seq.*; "CZMA").

**Commission Jurisdiction Under State and Federal Law**

The Commission's jurisdiction under state law as it applies to the proposed action includes all tidal areas of the Bay up to the line of mean high tide (MHT) and to the inland edge of wetland vegetation in marshes ( up to five feet above Mean Sea Level (MSL)), all areas formerly subject to tidal action filled after September 17, 1965, and a shoreline band located 100 feet inland of the Bay. The Commission also has jurisdiction over priority use areas designated in the Bay Plan. Within the Commission's jurisdiction, authorization is required for construction, dredging, placement of fill, subdivisions, and substantial changes in use. (Please note that on Page 3.4-1 (line 37-40), a boundary reference is made regarding the Commission's jurisdiction, but seems to refer to the jurisdictional limits of the California Coastal Commission. This information should be corrected in the Final SEIS (FSEIS)).

C-2

Pursuant to the federal CZMA, the Commission is required to review federal projects within its jurisdiction and those that may affect the coastal zone, including priority use designated areas, and agree or disagree with the federal agency's determination as to whether a project is consistent with

C-3

C-3 its laws and policies. In March 1999, the Commission issued a Letter of Agreement for Consistency Determination No. CN 1-99 to the U.S. Department of the Navy (Navy) for the transfer and reuse—in a manner consistent with the Bay Plan’s designation of the site for port priority uses—of the Hunter’s Point shipyard (Appendix F of the SEIS). The reuse plan and potential impacts to the natural and human environment has substantially changed since that time and, therefore, the Navy must “obtain any further consistency determinations necessary for the [revised reuse plan]” as stated on Page 4.4-4 in the SEIS.

#### Commission Policies

C-4 **Bay and Seaport Plan Priority Use Area.** As stated in the SEIS, a 55-acre area of the shipyard is designated for port priority use in the Commission’s Bay Plan and Seaport Plan. Due to the inconsistency of the currently-designated Bay Plan uses and the land uses associated with the proposed action, Commission authorization is contingent upon, among other things, an amendment to the Bay and Seaport Plans.

C-5 **Bay Fill.** Section 66605 of the McAteer-Petris Act sets forth criteria for the Commission to be able to authorize fill in the Bay. These criteria include that fill and the uses proposed on it serve a water-oriented use or constitute a minor amount for public access and enhancement of shoreline appearance, would be the minimum necessary, that there is no upland alternative for the uses proposed on fill, and the fill would not adversely affect Bay resources. Further, fill can only be authorized at areas for which the project proponent holds valid title. Bay fill also needs to be constructed in accordance with sound safety standards—which, pursuant to the Bay Plan Safety of Fills Policy No. 1 is evaluated by the Commission’s Engineering Criteria Review Board. The FSEIS should also note that any work at piers pre-dating the Commission’s establishment in 1965 which would involve the replacement of all or a substantial portion of the pier, additional coverage of the Bay, significant extension of the life of the structure, or a substantial change in use, would be considered work in the Commission’s Bay jurisdiction. (Proposed work that would not result in significant changes in the use, life, or size at such piers is considered work in the Commission’s 100-foot shoreline band jurisdiction.)

C-6 Various activities associated with the proposed action would involve the removal of Bay fill (e.g., Piers B and C), and the placement of new fill. Such work includes significant repairs to drydocks, berths, wharves, seawalls, bulkheads, or piers, new public facilities (e.g., boardwalks and overlooks), shoreline stabilization projects, and a pier-supported bridge at Yosemite Slough. Table 2.3-12 of the SEIS presents the estimated change in Bay coverage at the shipyard that would result from the removal and placement of shoreline improvements, and concludes that such activities would result in a net increase of Bay surface (i.e., more open water). To better understand the area and quantity of proposed fill in the Bay, we recommend revising the table (in the FSEIS) to include area of coverage associated with the proposed Yosemite Slough bridge. As a reminder, in calculating proposed area and quantity of fill in the Commission’s jurisdiction, it is necessary to distinguish between fill placed below the MHW and, where marsh vegetation is present, fill placed below the inland edge of marsh vegetation. Fill placed at areas formerly subject to tidal action that have been filled since September 17, 1965 would also fall in the Commission’s Bay jurisdiction.

C-7 Page 4.4-4 of the SEIS states that the proposed action “is compatible with the objectives and policies of the Bay Plan as a whole” including minimizing Bay fill. As previously stated, the Commission’s authorization of fill in the Bay is contingent on whether several factors can be met, including whether an upland alternative or one involving less fill exists, and whether the proposed fill minimizes harmful effects on Bay resources. From reviewing the document, it is not clear that the proposed Yosemite Slough bridge is fully consistent with the law and policies regarding fill. As stated in previous communications, the Commission staff is concerned that the proposed bridge

(including the supporting piers and abutments) would result in a significant amount of Bay coverage, including shadow fill, for a facility whose purpose could potentially be supported at an upland location or which could be constructed in manner involving less fill. In the event that a feasible alternative exists that would involve fewer impacts on the Bay, its resources, and views, the Commission could not find the proposed action fully consistent with its laws and policies.

C-7

**Biological Resources.** Section 3.13 of the SEIS omits a reference to the Commission's Bay Plan policies regarding protection and/or restoration of biological resources and habitats. The FSEIS should refer to Bay Plan policies related to the proposed action, including: Fish, Other Aquatic Organisms, and Wildlife Policy No. 1, which states: "To assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased." Other relevant resource policies include Tidal Marshes and Tidal Flats Policy No. 1, which states, in part: "[t]idal marshes and tidal flats should be conserved to the fullest possible extent...projects that would substantially harm tidal marshes or tidal flats should be allowed only for purposes that provide substantial public benefits and only if there is no feasible alternative;" and Subtidal Areas Policy 2 which states, in part: "[s]ubtidal areas that are scarce in the Bay or have an abundance and diversity of fish, other aquatic organisms and wildlife...should be conserved. Filling [and] changes in use...should therefore be allowed only if: (a) there is no feasible alternative; and (b) the project provides substantial public benefits."

C-8

Table 3.13.3-1 of the SEIS states that approximately 3.6 acres of salt marsh and 173 acres of open water (including mudflats) exist at the project site. The SEIS further states that implementation (i.e., construction and operation) of the proposed action would permanently impact 0.09 acres of salt marsh and 20.44 acres of other waters (including mudflats), and temporarily impact 0.01 acres of tidal marsh and 1.37 acres of other waters. Further, the proposed bridge would permanently shadow approximately 1.48 acres of the Bay. (If these figures are further refined based on changes in bridge width, confirmation that the marina is no longer part of the proposed action, etc., the FSEIS should provide revised information, preferably in both narrative and tabular format.) The SEIS also states that the site provides Essential Fish Habitat (EFH) and habitat for special status species, including: the California least tern, Chinook salmon and central Valley steelhead (low probability of occurrence); Central California Coast steelhead and green sturgeon (moderate probability of occurrence); and Pacific herring.

C-9

The SEIS proposes measures to mitigate impacts to the permanently affected wetland and open water areas. Section 4.13.2.1 refers to compensatory mitigation (provided based on a 1:1 ratio), restoration, and mitigation banking in relation to affected seasonal freshwater wetlands, EFH, and tidal salt marsh and mudflats. Mitigation measures proposed related to the construction phase include: the implementation of Best Management Practices, the use of vibratory hammers, the construction of coffer dams at proposed bridge piers to minimize noise impacts on fish, and compliance with aquatic work windows to control, among other things, turbidity.

C-10

The Commission's Bay Plan policies regarding mitigation provide guidance for site selection, creation, design, project management and monitoring, and mitigation banking, and further state, in part, that "[t]he amount and type of compensatory mitigation should be determined for each mitigation project based on a clearly identified rationale that includes an analysis of: the probability of success of the mitigation project; the expected time delay between the impact and the functioning of the mitigation site; and the type and quality of



C-10 the ecological functions of the proposed mitigation site as compared to the impacted site." Most mitigation that would occur after the placement of fill have been required to provide more than 1:1 mitigation to offset the temporal loss of wetland services. The Commission staff expects the Navy to consider the direction provided in these Bay Plan policies and Commission staff in developing mitigation plans for the project site.

C-11 The SEIS states that the effect of shadow filling on a 1.48-acre area of the Bay does not warrant mitigation and, thus, is not proposed. The Bay Plan Mitigation Policy No. 1 states, in part: "Projects should be designed to avoid adverse environmental impacts to Bay natural resources such as to water surface area, volume, or circulation and to plants, fish, other aquatic organisms and wildlife habitat, subtidal areas, or tidal marshes or tidal flats. Whenever adverse impacts cannot be avoided, they should be minimized to the greatest extent practicable. Finally, measures to compensate for unavoidable adverse impacts to the natural resources of the Bay should be required." Because the shadow of the bridge will likely lead to the loss of most plants within the bridge corridor and affect the biota that currently lives there, it is important that the existing habitat in the bridge corridor be fully described. Because the Commission considers open water areas affected by shadow as

C-12 important to the vitality and viability of Bay resources, impacts should either be avoided or mitigated to ensure consistency with Commission's law and policies—a point that should be made in the FSEIS.

C-13 **Safety of Fills and Sea Level Rise.** The Bay Plan policies regarding safety of fills state, in part, that, "[t]o prevent damage from flooding, structures on fill or near the shoreline should have adequate flood protection including consideration of future relative sea level rise as determined by competent engineers." Additionally, the policies state that, "[t]o minimize the potential hazard to Bay fill projects and bayside development from subsidence, all proposed development should be sufficiently high above the highest estimated tide level for the expected life of the project or sufficiently protected by levees..." The Bay Plan policies regarding public access state, in part, that all fill projects "should increase public access to the Bay to the maximum extent feasible" and, further, that public access areas should be maintained over time. The Bay Plan policies regarding recreation state, in part, "[t]o enhance the appearance of shoreline areas, and to permit maximum public use of the shores and waters of the Bay, flood control projects should be carefully designed and landscaped and, whenever possible, should provide for recreational uses of channels and banks." Lastly, the Bay Plan policies regarding protection of the shoreline state, in part, that "[s]horeline protective projects should include provisions for nonstructural methods such as marsh vegetation where feasible."

The proposed action involves the development of a multi-use site with, among other things, structures, parks, and public areas near, adjacent to, and along the shoreline. According to the SEIS (Section 4.9.2.2.4), the project would "accommodate a mid-term rise in sea level of 16 in... with a design that is adaptable to meet higher-than anticipated values in the mid-term, as well as for the longer term. In addition, the shoreline areas would be designed with a development setback to allow any future increase in elevation to accommodate higher sea level rise..." The strategies illustrated in Figures 2.3-20 to -23 would facilitate adaptation to higher sea levels while allowing adjacent public access and developed areas to remain. The Commission staff's primary concern would be that selected adaptation strategies not adversely affect the public's view of the Bay (i.e., if levees are raised) or reduce the public space area available for recreational uses and, thereby, impact the overall public access experience. Therefore, we encourage the incorporation of an adaptation strategy that allows for a wider setback between the shoreline and developed areas

and/or different adaptation strategies that would accommodate a rising sea level without compromising the size or quality of dedicated public access areas.

↑  
C-13

Page 2-41 of the SEIS states that shoreline improvements (e.g., rip-rap) would be included in the proposed action, and that, as part of reuse, “the revetment edge in wave protected reaches [would be transformed] to a more natural looking shoreline by placing suitable fill to cover the revetment that would be constructed by the [Navy].” The Bay Plan supports the development of shoreline protective systems that facilitate the public’s direct and uninterrupted use of the Bay and, where feasible, the creation of substrate and elevations appropriate for the development of sandy beach or marsh conditions and we would encourage such shoreline protective systems, wherever feasible.

C-14

**Transportation.** The FSEIS should state that the Commission’s Bay Plan Transportation Policies No. 2, 3(a), (b) and (d), and 4 apply to the proposed action. The Bay Plan Transportation Policy No. 2 states, in part: “[i]f any additional bridge is proposed across the Bay, adequate research and testing should determine whether feasible alternative route, transportation mode or operational improvement could overcome the particular congestion problem without placing an additional route in the Bay...” Further, Bay Plan Transportation Policy No. 3 states, in part: “[i]f a route must be located across the Bay...the following provisions should apply [including] bridges should provide adequate clearance for vessels that normally navigate the waterway beneath the bridge....” Lastly, the Bay Plan Transportation Policy No. 4 states, in part, “[t]ransportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline.” The Commission staff understands that the bridge design is not yet complete and that the Commission’s Design Review Board (DRB) will have the opportunity to review and comment on upcoming proposals. Figures 4.5.1-6 to -7 of the SEIS depict a bridge design that would adversely affect views of the Bay, particularly for visitors at the adjoining shoreline. Such a design would be inconsistent with the above-referenced Bay Plan policies. The Commission staff encourages the development of a design that maximizes Bay view opportunities and, further, provides adequate clearance for boats underneath the structure.

C-15

C-16

**Appearance, Design and Scenic Views.** Section 3.5 of the FSEIS should state that the Commission’s Bay Plan Appearance, Design, and Scenic Views Policies No. 1, 2, 3, 4, 6, 8, 10, and 11 apply to the proposed action. Among other things, Policy No. 6 relates to new bridges and their effect on views of the Bay from the structure itself and from nearby areas. The Commission staff understands that final architectural details of proposed structures at the shipyard are not yet available, but—consistent with these Bay Plan policies—we encourage clustering buildings at the project site, thereby, allowing for views of the Bay from different vantage points throughout the area. The Bay Plan Appearance, Design, and Scenic Views Policy No. 12 refers to the Commission’s DRB which provides advice regarding issues of appearance, views and public access. To date, the DRB has reviewed reuse plans for the shipyard on two occasions and will continue to provide its input throughout the project design stage.

C-17

C-18

**Recreation and Public Access.** Bay Plan policies regarding public access—in addition to those previously mentioned—state, in part, that access should “be provided in and through every new development in the Bay or on the shoreline,” be designed in accord with the Commission’s *Public Access Design Guidelines* and pursuant to the advice of the Commission’s Design Review Board, “encourage diverse Bay-related activities and movement to and along the shoreline,” be conveniently located near parking and public transit, “permit barrier free access for the physically handicapped...and include an ongoing maintenance program,” and be designed “to prevent significant adverse effects on wildlife.” Bay Plan Map No. 5, which currently identifies part of the shipyard as a port-priority use area, provides: “Develop shoreline park and integrate with

C-19

↓

C-19 ↑ Candlestick Point State Recreation Area, consistent with San Francisco redevelopment plan. Potential water trail camping site. Some fill may be needed.”

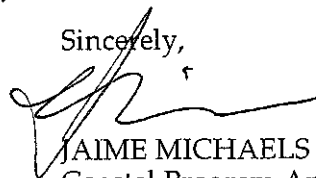
The proposed action includes over 230 acres of new open and park space including a continuation of the San Francisco Bay Trail along the shoreline. The above-referenced Bay Plan policies and Commission staff support a design and site layout that facilitates public access to and along the shoreline. To date—as recently as February 2011—the Commission’s DRB has reviewed reuse plans for the shipyard and has generally been supportive of preliminary, conceptual proposed access improvements for the site. However, questions raised by DRB members, Commission staff, and interested parties include: whether the project site could provide a greater number of opportunities for launching non-motorized craft, whether the site provides ample parking opportunities for those visiting shoreline access areas, whether the developed area of the site would provide adequate connections to and along the shoreline, how public areas adjacent to sites proposed for habitat restoration would be designed to be compatible with wildlife use, and whether the phased development schedule would allow for the development of interim shoreline access at areas proposed for development as late as 2032. The Commission staff expects that these issues will be addressed and presented as site design details are further developed.

C-20 | **Water Quality.** The FSEIR should state that the Commission’s Bay Plan Policy No. 1, 2, 3, 6, and 7 apply to the proposed action, including to construction (e.g., earth moving, grading, and sediment removal) activities and operational work at the shipyard, especially since such activities

C-21 | could result in erosion, turbidity, etc. The SEIS states that strategies to mitigate potential water quality impacts include the preparation of a Stormwater Pollution Prevention Plan (SMPPP), the application of Best Management Practices (BMPs), and certification by the San Francisco Bay Regional Water Quality Control Board (RWQCB). Pursuant to the Bay Plan Water Quality Policy No. 2 the RWQCB’s recommendations provide “the basis for carrying out the Commission’s water quality responsibilities” and, thus, the water quality certification would be needed to obtain Commission authorization.

Thank you for providing the Commission staff with the opportunity to comment on the proposed action. We look forward to working with the Navy—and, subsequently, the City of San Francisco—to pursue Commission authorization of the reuse plan. Please contact me with any questions at (415) 352-3613 or jaimem@bcdca.gov.

Sincerely,

  
JAIME MICHAELS  
Coastal Program Analyst

JM/ra

cc: State Clearinghouse

*San Francisco Bay Conservation and Development Commission (BCDC), April 12, 2011*

**Response to Comment C-1**

The FSEIS looks at alternatives that include the marina development (Alternatives 1, 1A, 2, 2A, and 3), as well as alternatives that do not include the marina development (Alternatives 4 and the No Action Alternative). As stated in Section 2.3.2 of the FSEIS, the project alternatives evaluated in the SEIS are based on the 2010 *HPS Redevelopment Plan* that was developed through the public planning process. This process provided a forum for public input on the project alternatives and approval of the redevelopment plan via Proposition G (the Bayview Jobs, Parks, and Housing Initiative; see Section 1.3 of the FSEIS). Specific components or design elements that are not included in the publicly-developed redevelopment plan are not viewed as representing a reasonably foreseeable reuse of the property and, therefore, not assessed in the SEIS. The DoN does not have a direct role in the community's reuse planning process or in the redevelopment of the property following disposal, including providing input to the redevelopment plan.

The components of the proposed action evaluated in the FSEIS are considered conceptual. The specific details of the project would be developed by the future developer or owner of the property prior to or during the permitting process based, in part, on considerations of San Francisco Bay Plan (Bay Plan) policies and BCDC issues and concerns. The DoN would not be involved with this process. The permitting process would provide BCDC with the opportunity to evaluate the actual project design proposed by the future developer or owner of the property, including opportunities for recreation and public access, and determine whether it is consistent with laws and policies related to the Bay Plan. Further, implementation of the proposed action would require approval by BCDC. Therefore, this process would provide a mechanism for BCDC to evaluate the adequacy of the proposed project design and determine whether the action is consistent with BCDC policies.

**Response to Comment C-2**

This comment requests clarification of BCDC's jurisdiction. The referenced text has been removed from Section 3.4.2.1.1 and text has been added to the FSEIS clarifying that under the approved coastal management program, 55 acres in the southeast portion of the project site are designated as "Port" Priority Use in the Bay Area Seaport Plan (Seaport Plan).

Note that DSEIS Section 3.4.2.2.2 (Bay Conservation and Development Commission) states that "BCDC functions as the state coastal management agency for San Francisco Bay, having jurisdiction over areas subject to tidal action up to the mean high tide line and including sloughs, marshlands lying between the mean high tide and 5 ft (1.5 m) above mean sea level, tidelands, and submerged lands. Its shoreline band jurisdiction includes areas 100 ft (30 m) inland and parallel to the mean high tide line. BCDC uses the Bay Plan and the Seaport Plan as the long-range planning and

implementation documents for the coastal zone management program.”

**Response to Comment C-3**

As identified in Section 4.4, Land Use and Recreation, the 2010 Reuse Plan is mostly compatible with the objectives and policies of the Bay Plan and related Seaport Plan. However, the reuse plan proposes land uses within a small portion of HPS (approximate 55-ac [22-ha] area located within HPS parcels D-1 and E), which are inconsistent with the existing Bay Plan, Seaport Plan, and the previous 1999 Consistency Determination. The Bay Plan and Seaport Plan designates this portion of the project site as a “Port” Priority Use Area. Within the port priority use areas, marine terminals are designated for receiving and shipping either containerized or bulk cargo. The 2010 Reuse Plan proposes public and recreation land uses for this area. As such, implementation would be inconsistent with the “Port” Priority Use designations in the Bay Plan and Seaport Plan. No other HPS parcel or proposed land uses affect a priority use area or are inconsistent with the goals and policies of the Bay Plan or Seaport Plan.

In view of the lack of anticipated demand for maritime cargo facilities as discussed in the SEIS Section 3.4.2.2.2 and to make the proposed 2010 Reuse Plan consistent with the Bay Plan and Seaport Plan, SFRA is currently seeking an amendment to the Bay Plan and Seaport Plan to delete the “Port” Priority Use and marine terminal designations from the HPS property, and make conforming changes to the Bay Plan and Seaport Plan maps, map notes, policies and tables. It is anticipated that the amendment would be completed by mid-2012 (BCDC 2011). Following such amendment, Alternative 1 would be consistent with the Bay Plan and Seaport Plan.

The HPS property will be disposed in phases by the DoN and it is anticipated that parcels D-1 and E, which includes the inconsistent ‘Port’ Priority Use area, would be disposed of in a later phase.

In the event that the Bay Plan and Seaport Plan is not amended before the portions of the project site designated as “Port” Priority Use (i.e., parcels D-1 and E) are conveyed, which would make the Reuse Plan consistent with the Bay and Seaport Plans, then a new consistency determination, and if necessary and amendment to the 1999 Letter of Agreement, may be required from BCDC before disposing of the property. Prior to the transfer of parcels D-1 and E, the DoN will review and, if necessary, provide BCDC with a consistency determination that may be required by the CZMA. DoN has coordinated with BCDC regarding this approach and BCDC has expressed no objections. Documentation of this coordination is located in Appendix F.

Following disposal from federal ownership, the HPS property would be within the BCDC's jurisdiction and the future property owner and/or developer of the property would be required to obtain any

applicable BCDC permits and other local, state, and federal approvals prior to implementing the 2010 Reuse Plan.

**Response to Comment C-4**

Please see the response to Comment C-3 above.

**Response to Comment C-5**

Information regarding the BCDC's jurisdiction over considerations related to fill has been added to Section 3.13.2.9 of the FSEIS. The following text was added:

“Section 66605 of the McAteer-Petris Act sets forth criteria for BCDC to authorize fill in the Bay. These criteria include that fill and the uses proposed on it serve a water-oriented use or constitute a minor amount for public access and enhancement of shoreline appearance would be the minimum necessary, there is no upland alternative for the uses proposed on fill, and the fill would not adversely affect Bay resources. Also, any work at piers pre-dating BCDC’s establishment in 1965 that would involve the replacement of all or a substantial portion of a pier, additional coverage of the Bay, significant extension of the life of the structure, or a substantial change in use, would be considered work in BCDC’s jurisdiction.”

**Response to Comment C-6**

As noted in the comment, components of the proposed action would result in placement and removal of fill, resulting in a net increase in Bay surface, as summarized in Table 2.3-13 of the FSEIS. Section 4.13 of the FSEIS has been revised to provide information on the type and extent of habitat change that would be associated with construction of the Yosemite Slough bridge. The revised text states the following: “Construction activities for Alternative 1, including construction of the Yosemite Slough bridge, would permanently alter existing shoreline wetlands and other habitats, including 0.09 ac (0.04 ha) of tidal salt marsh, 0.15 ac (0.06 ha) of non-tidal salt marsh, and 20.44 ac (8.27 ha) of other Waters of the U.S., as defined by Section 404 of the CWA (specifically, Bay habitat). Of that total, construction of Yosemite Slough bridge would impact 0.01 ac (0.004 ha) of vegetated wetlands and 0.13 ac (0.05 ha) of other waters of the U.S. Construction activities would also cause temporary and localized impacts to less than 0.01 ac (0.004 ha) of tidal salt marsh and to 1.37 ac (0.55 ha) of Bay. Of that total, the temporary impacts to waters associated with bridge construction would total 0.99 ac (0.40 ha).”

“In addition to artificial structures placed within the Bay, the BCDC considers structures suspended above the Bay or floating on the water to be “fill” and subject to their regulation. The “shadow fill” produced by the Yosemite Slough bridge also may partly affect the biological functions and values of aquatic and mudflat habitat. Such an impact would include 1.48 ac (0.60 ha) based on the surface area immediately below the bridge footprint. Included in these 1.48 ac (0.599 ha) are 0.004 ac (0.002 ha) of vegetated wetlands and 1.476 ac (0.597 ha) of other waters.” Section 4.13 also notes that Alternative 1 would result in a net increase in open waters of the Bay

of approximately 8.5 ac (3.4 ha) due to the proposed removal of existing bulkheads, structures, and fill.

Compared to Alternative 1, other alternatives, such as 1A and 4, that would not construct the Yosemite Slough bridge, would reduce the area of fill and potential impacts by approximately 0.11 ac (0.04 ha), whereas alternatives that would construct a narrower bridge would result in intermediate fill acreages.

Table 2.3-12 was not revised to add the area and quantity of fill associated with the Yosemite Slough bridge because the purpose of the table is to present the change in shoreline associated with the proposed action, and the addition of the requested information is not consistent with this purpose. Information regarding the different categories of fill associated with the Yosemite Slough bridge is expected to be provided by the future developer or owner of the property during the permit application process when the details of the bridge design and construction have been developed beyond the current conceptual design stage. The DoN would not be involved in that process.

**Response to Comment C -7**

The FSEIS evaluates project alternatives that were based on the 2010 *HPS Redevelopment Plan*. These alternatives include both bridge and no-bridge options, as well as modified bridge designs (see Table 2.3-24 in the FSEIS). Construction of any of the bridge designs associated with these alternatives, with the exception of the no-bridge option, would result in varying amounts of fill and shadow fill. The proposed action would result in a comparatively greater fill volume and extent of shadow fill than the no bridge or modified bridge options. Nevertheless, as a whole, the proposed action, as defined in Section 2.3.2.1 of the FSEIS, would result in a net increase in Bay surface and, therefore, would be considered compatible with Bay Plan policies for minimizing fill.

While the proposed action would result in a comparatively greater fill volume and shadow fill than the no bridge or modified bridge options, potential impacts to wetland habitats are considered not significant with mitigation, as discussed in Section 4.13.2.1.2, Factor 3. Therefore, the FSEIS does not conclude that fill associated with construction of the Yosemite Slough bridge, as part of the proposed action, would result in significant effects on Bay resources.

The FSEIS also evaluates the impacts from construction and operation of Yosemite Slough bridge, as part of the proposed action and other project alternatives, on other applicable physical and socioeconomic resources, including traffic, noise, air quality, and land use. Therefore, the FSEIS provides information to decision makers and the public concerning the benefits and impacts of the project alternatives.

Alternative bridge designs, other than those contained in the alternatives from the 2010 *HPS Redevelopment Plan*, that might reduce fill and shadow fill are not evaluated in the FSEIS. Instead,

the bridge design evaluated in the FSEIS is considered conceptual, and could be revised by the future developer or owner of the property during the permitting process based, in part, on considerations for reducing fill. The bridge design for the proposed project would be finalized, and agency review of permit applications would be initiated, after the property disposal is complete. The permitting process would provide BCDC with the opportunity to evaluate the actual bridge design and determine whether it was consistent with laws and policies related to Bay fill. Additionally, as mentioned in the response to Comment A-14, to obtain a CWA Section 404 permit the future developer or owner of the property would prepare a Section 404(b)(1) analysis to demonstrate that the proposed project represents the least environmentally damaging practicable alternative (LEDPA). The DoN would not be involved in the permitting process, the community's reuse planning process, or the redevelopment of the property following disposal from federal ownership.

**Response to Comment C-8**

Section 3.13.2 of the FSEIS has been revised to acknowledge that Bay Plan policies regarding protection and/or restoration of biological resources and habitats would apply to the proposed action. Further, reference to the McAteer-Petris Act, which created the BCDC and established its regulatory authority, has been added to Section 3.13.2.9 (McAteer-Petris Act), where policies specific to conservation, protection, or restoration of biological habitats (tidal marshes, tidal flats, subtidal) and wildlife resources are referenced. Section 3.13.2.9 also notes "The Bay Plan includes several policies relevant to the conservation, protection, and/or restoration of biological resources and habitats, including Fish, Other Aquatic Organisms, and Wildlife Policy 1; Tidal Marshes and Tidal Flats Policy 1; and Subtidal Areas Policy 2."

**Response to Comment C-9**

The FSEIS evaluates project alternatives from the 2010 HPS Redevelopment Plan, including alternatives with and without a bridge and with and without a marina. The project design evaluated in the FSEIS is considered conceptual, and it could be revised by the future site developer or owner of the property during the permitting process. The permitting process would provide BCDC with the opportunity to evaluate the actual bridge and/or marina design and determine whether it was consistent with laws and policies related to Bay fill. Additionally, the future site developer or owner of the property would prepare a Section 404(b)(1) analysis to demonstrate that the proposed project represents the least environmentally damaging practicable alternative (LEDPA).

Section 4.13 of the FSEIS has been revised to provide information on the type and extent of habitat change that would be associated with construction of the Yosemite Slough bridge based on the current conceptual bridge design. Given that this design could change during the project permitting process, areas of wetland and aquatic habitat subject to impact from construction and operation of



the bridge are also subject to change. Because the areas of affected habitat associated with the final bridge design would be determined by the future site developer or property owner during the permitting process, it is only possible for the FSEIS to summarize potential impact acreages for those associated with the most current conceptual design and alternatives addressed by the document.

Regarding EFH and habitat for special status species, Section 4.13.2.1.2 of the FSEIS was revised to include best management practices (BMPs) pertaining to construction activities associated with the Yosemite Slough bridge, shoreline improvements, and construction of the marina as recommended by NMFS during ongoing coordination with the DoN. These BMPs are expected to be implemented by the future site developer or owner of the property. The DoN has coordinated with NMFS regarding potential impacts to designated critical habitat and EFH and has determined that the DoN's disposal of surplus property would have no effect. However, the future developer or owner of the property would be required to obtain all applicable permits, including Section 10 and 404 permits, prior to beginning any in-water work. This process would require consultation with NMFS, under Section 7 of the ESA to address potential effects. The DoN would not be involved in that process.

**Response to Comment C-10**

Section 4.13.2.1.1 of the FSEIS contains a mitigation measure (Mitigation 2: Wetlands Mitigation) that would require mitigation for permanent impacts to wetlands. As part of the proposed mitigation, "the future developer or owner of the property would prepare and implement a Wetland and Jurisdictional Waters Mitigation Monitoring Plan (Mitigation Monitoring Plan). Mitigation would be achieved through a combination of onsite restoration or creation of wetlands or aquatic habitats (including removal of onsite fill or structures such as piers, resulting in a gain of wetland or aquatic habitats); offsite restoration/creation; and/or mitigation credits associated with mitigation banks within the Bay Area. The Mitigation Monitoring Plan would be submitted to the regulatory agencies along with permit application materials for approval."

Although the details of the monitoring plan presently are unknown, it is reasonable to assume that it would include measures that would address considerations of Bay Plan policies as well as CWA Section 404 regulations specified in 40 CFR 230. Development and implementation of monitoring and mitigation measures would be the responsibility of the future site developer or owner of the property. While the DoN would be responsible for disposal of surplus federal property, they would not be responsible for the community's reuse planning process, subsequent property redevelopment, developing or implementing the reuse plan, or ensuring compliance with permit conditions. Instead, the future developer or owner of the property would be responsible for developing and implementing the reuse plan, including obtaining all applicable local, state, and federal permits and implementing the minimization and mitigation measures specified in the permits.

**Response to Comment C-11**

The FSEIS evaluates project alternatives based on the 2010 *HPS Redevelopment Plan*. Alternative bridge designs, other than those contained in the alternatives from the 2010 *HPS Redevelopment Plan*, that might reduce fill and shadow fill are not evaluated in the FSEIS. However, the bridge design evaluated in the FSEIS is considered conceptual, and it could be revised by the future site developer or property owner during the permitting process. The permitting process would provide BCDC with the opportunity to evaluate the actual bridge design and determine whether it was consistent with laws and policies related to Bay fill. Additionally, in order to obtain a CWA 404 permit, the future developer or property owner would prepare a Section 404(b)(1) analysis to demonstrate that the proposed project represents the least environmentally damaging practicable alternative (LEDPA). The DoN would not be involved in that process.

The description of existing biological resources in the bridge corridor, presented in Section 3.13.3, is based on the best, currently-available information. Recent site-specific surveys of Yosemite Slough are limited, but available information indicates that the site is degraded and highly disturbed. Wetlands functions and values are rated as low to moderate because of poor quality, historical contamination, small size of the narrow fringe of marsh habitat, surrounding land use with non-native plants that dominate the adjacent uplands, and relative isolation from similar habitats (Arc Ecology 2004, WRA 2006, California State Parks Foundation 2011). Surveys indicate that supported resources mainly include shorebirds foraging at low tides, while use by other wildlife species is relatively low (LSA 2004). Section 4.13.2.1.1 of the FSEIS contains a mitigation measure (Mitigation 2: Wetlands Mitigation) that would require mitigation for permanent impacts to wetlands, including project site areas of Yosemite Slough, as well as the development and implementation of a Mitigation Monitoring Plan. Although the details of the monitoring plan presently are unknown, it is reasonable to assume that it would include a requirement for pre-construction (baseline) monitoring that would provide the basis for assessing the extent of project-related impacts and the effectiveness of minimization and mitigation measures.

**Response to Comment C-12**

Section 4.13 of the FSEIS evaluates the potential impacts from the proposed action to biological resources, including those associated with open water habitats affected by shadow fill from the Yosemite Slough bridge. While the proposed action would result in a comparatively greater fill volume and shadow fill than a no-bridge or modified bridge design, potential impacts to wetland habitats are considered not significant with mitigation, as discussed in Section 4.13.2.1.2, Factor 3. As noted under Response C-6, Section 4.13 of the FEIS notes that Alternative 1 would result in a net increase in open waters of the Bay of approximately 8.5 ac (3.4 ha) due to the proposed removal of existing bulkheads, structures, and fill. Nevertheless, as part of the permitting process, the future developer

or owner of the property would prepare a Section 404(b)(1) analysis to demonstrate that the proposed project represents the least environmentally damaging practicable alternative (LEDPA). Further, as specified in Mitigation 2, the future developer or owner of the property would be required to develop and implement a Mitigation Monitoring Plan that would be submitted to the regulatory agencies along with permit application materials for approval prior to initiating work on the project. The DoD would not be involved in that process.

**Response to Comment C-13**

The comment correctly notes that the project description includes strategies to facilitate adaptation to higher sea levels while allowing adjacent public access and developed areas to remain, consistent with Bay Plan policies. A sea level rise Adaptation Strategy, similar to that identified in Comment C-13, is included in Section 2.3.2.1.7 of the FSEIS. Additionally, the Environmental Control for *Shoreline Improvements to Reduce Flood Risk*, discussed in Section 2.3.2.1.9 of the FSEIS specifies a “Monitoring and Adaptive Management Plan to monitor sea level and implement and maintain the protective improvements” in response to sea level rise. Section 4.9.2.2.4 (Increase Risk of Flooding or Inundation) has also been revised to further describe the shoreline and public access improvements strategy.

As discussed in Section 2.3.2.1.7 of the FSEIS, the Adaptation Strategy would be implemented to provide guidance, identify relevant stakeholders, define appropriate management actions and triggers, and establish a project-specific funding mechanism. It would be administered by a public entity that would have taxing authority and funding responsibility. The DoN would have no authority or responsibility over the Adaptation Strategy or its implementation. Notwithstanding, although the specific guidance that would be included in the Adaptation Strategy presently is unknown, it is expected that assessments of management actions in response to sea level rise would include considerations of the public’s view of the Bay and public access to the shoreline. Further, any management actions that are associated with the Adaptation Strategy would require BCDC approval prior to implementation. Therefore, this process would provide a mechanism for BCDC to evaluate the adequacy of setbacks associated the proposed action to protect public views and access areas and determine whether the action is consistent with BCDC policies regarding public access.

**Response to Comment C-14**

The DoN understands the points made in the comment. As noted in the comment, the shoreline improvements component of the proposed action would be compatible with Bay Plan policy that encourages shoreline protective systems. No changes to the SEIS are required.

**Response to Comment C-15**

The DoN understands the stated concerns. Section 3.1.1.4.6 has been added to the FSEIS to reference the specific transportation-

related policies identified in the comment. The reader is also directed to the impact analyses in Section 4.4 with respect to Factor 2 (Consistency with Land Use Plans and Policies) wherein consistency with BCDC - administered plans and policies is addressed. As noted in Section 4.4, following HPS disposal, projects within BCDC's jurisdiction would require BCDC permits. The permitting process would provide BCDC staff and decision makers the opportunity to review and approve proposed actions consistent with BCDC policies once design and engineering details have been finalized.

With regard to the portion of the comment concerning Policy No. 2, as related to feasible alternative transportation routes, the FSEIS addresses potentially developing the stadium (for which the bridge was an important component to manage game day traffic flow as well as weekday bus rapid transit) without the bridge (Alternative 1A) and concludes that routing transit around Yosemite Slough would be a suboptimal solution, reducing the quality of the BRT system (Section 4.1.4.2.2). Therefore, while alternatives exist and would be technically feasible, they would not support project objectives to the extent appropriate.

With regard to Policy No. 3, as related to the potential for the bridge to restrict existing vessel traffic due to inadequate clearance and general bridge design considerations, the BCDC Design Review Board would, as the comment notes, have the opportunity to review and comment on the final design during the permitting process. Notwithstanding, minimal if any vessel traffic, such as potentially restricted to small recreational boats, presently occurs at the proposed site, so there would be no significant effects to existing vessel traffic.

Regarding Policy No. 4 comments, Figures 4.5.1-6 and -7 depict a conceptual design for the purpose of visual simulations (not transportation), and this design may differ from the final design. Again, BCDC staff and decision makers would have the opportunity to assess consistency with Policy No. 4 during the BCDC's permitting process to ensure consistency with this and other relevant BCDC policies once a final design has been determined.

**Response to Comment C-16**

Comment acknowledged. Please see response to Comment C-15, which acknowledges that (1) the bridge design discussed in the FSEIS is conceptual and, therefore, potentially different from the final design that would be evaluated as part of the permitting process; and (2) the permitting process would provide BCDC with an opportunity to evaluate the final bridge design for consistency with the Bay Plan policies regarding transportation across the Bay and public views of the Bay.

**Response to Comment C-17**

Visual Resources and Aesthetics Section 3.5.2.3.3, San Francisco Bay Plan, has been revised to indicate the specific BCDC Bay Plan Appearance, Design, and Scenic View policies that apply to the proposed action. Accordingly, the section indicates that Bay Plan

Appearance, Design, and Scenic Views Policies 1, 2, 3, 4, 6, 8, 10, 11, and 12 are applicable to various facilities included in the proposed action.

**Response to Comment C-18**

The comment requests that proposed structures be clustered to help ensure that views of the bay are unobstructed from surrounding vantage points. As discussed in Section 4.5.1.2 and noted in this comment, the final architectural details of the proposed structures have not been finalized. However, the final development and landscape plans would be designed consistent with applicable local requirements including BCDC design guidelines. With the exception of the two proposed high-rise towers, on-site development would be clustered to the extent feasible to preserve views of the bay from surrounding viewpoints. In addition, BCDC would have the opportunity to review development plans for the proposed action.

**Response to Comment C-19**

The DoN acknowledges BCDC's concern that the proposed action and alternatives evaluated in the SEIS should support a design and site layout that facilitates public access to and along the shoreline and prevents significant adverse effects on wildlife. The DoN further acknowledges the various questions raised by DBR members, Commission staff, and interested parties regarding reuse plans for the shipyard and preliminary, conceptual proposed access improvements for the site as well as the expectation by Commission staff that these issues will be addressed and presented as site design details are further developed.

As stated in Section 2.3.2 (New Reuse Alternatives) of the FSEIS, the project alternatives evaluated in the SEIS are based on the 2010 *HPS Redevelopment Plan*. Additionally, as stated in Section 2.3.2.1.1 (Parks and Open Space) of the FSEIS, information regarding the proposed parks, recreational areas, and public access for within the shipyard can be found in the Draft Parks, Open Space, and Habitat Concept Plan provided in Appendix N3 of the *Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project Draft EIR* (SFRA 2009). This plan outlines the conceptual design and site layout for the shipyard including public access to and along the shoreline of the shipyard. That plan also includes conceptual plans for Candlestick Point, which is not located on federal property and is therefore not evaluated in the SEIS.

As noted in the comment, the referenced questions raised regarding opportunities for launching non-motorized craft, parking opportunities for those visiting shoreline access areas, adequate connections to and along the shoreline, compatibility of public areas with adjacent to wildlife use, and interim shoreline access during phased development through 2032 would be addressed and presented as site design details are further developed.

The DoN understands that following disposal of HPS, future development of portions of the HPS would be within BCDC's jurisdiction and would likely require applicable permits from BCDC.

The future developer or owner of the property would be responsible for acquiring applicable permits from the BCDC for this project. The DoN would not be responsible for permitting related to a non-federal project (i.e., the redevelopment plan). The details of the design would be developed by the future developer or owner of the property prior to or during the permitting process based, in part, on considerations for addressing the BCDC issues and concerns. The permitting process would provide BCDC with the opportunity to evaluate the project design details, including opportunities for recreation and public access and wildlife use, and determine whether it is consistent with laws and policies related to the Bay Plan. Therefore, this process would provide a mechanism for BCDC to evaluate the adequacy of the project design and determine whether the action is consistent with BCDC policies.

**Response to Comment C-20**

Water Resources Section 3.9.2.2.15, Bay Conservation and Development Commission, has been revised to acknowledge that the comment-specified Bay Plan Policies would apply to the proposed action. The following text was added:

“The Bay Plan Policies No. 1, 2, 3, 6, and 7 also would apply to the proposed action because it would include construction activities that could result in erosion and turbidity.”

**Response to Comment C-21**

Water Resources Section 3.9.2.2.15, Bay Conservation and Development Commission, has been revised to acknowledge that the RWQCB water quality certification would require BCDC authorization. The following text was added:

“Also, pursuant to Policy No. 2 of the Bay Plan, the RWQCB certification would require authorization from BCDC.”

**Letter D – Hunters Point Shipyard Phase II Draft Navy SEIS  
February 2011, Comments**

	A	B	C	D	E	F	G
1	Seq. #	Document Reference	Detailed Reference	Comment	Author	Response	Navy Response
2	<b>BIOLOGY</b>						
3	1	4.13	Biological Resources Impacts	We recommend mentioning the potential effects of the project on habitats to be restored by the Yosemite Slough Restoration Project, and on species expected to use such habitats, consistent with the FEIR for the Candlestick Point/Hunters Point Shipyard Phase 2 project. Discussion of these potential effects would be best under "Marine and Other Aquatic Birds" (p. 4.13-5) and "Wetlands" (p. 4.13-7).	Steve Rottenborn, HTH		This area is not considered part of the project for the purpose of NEPA. However, the Yosemite Slough Restoration Project has been added to Table 5.2-1 of the cumulative impacts section in the FSEIS and is considered in the cumulative impacts evaluation in Section 5.3.13.2.2.
4	2	4.13.2.1.1	p. 4.13-3, lines 17-20	We recommend incorporating some flexibility in the buffers to be provided around occupied bird nests, consistent with the FEIR for the Candlestick Point/Hunters Point Shipyard Phase 2 project. In some circumstances, the 100-foot (for non-raptors) and 250-foot (for raptors) buffers may not be necessary. We recommend adding the following text: "The size of the buffer area may be reduced if a qualified biologist familiar with the species' nesting biology (as approved by the City/Agency) and CDFG determine it would not be likely to have adverse effects on the particular species. Alternatively, certain activities may occur within the aforementioned buffers, with CDFG concurrence, if a qualified biologist monitors the activity of nesting birds for signs of agitation while those activities are being performed. If the birds show signs of agitation suggesting that they could abandon the nest, activities would cease within the buffer area. "	Steve Rottenborn, HTH		The comment is acknowledged and the recommended text has been added to Section 4.13.2.1.1 of the FSEIS.
5	3	4.13.2.1.2	p. 4.13-5, lines 7-29	This paragraph should include some of the information provided on p. 4.13-6, lines 23-29, regarding the removal of bay fill by the project. The project will result in a net increase in open waters of the bay of approximately 8.5 acres, so that although habitat for special-status fish will be impacted in some areas, the net effect of the project will be an increase in fish habitat.	Steve Rottenborn, HTH		The comment is acknowledged and the text in Section 4.13.2.1.2 of the FSEIS has been revised to indicate that the project would increase open waters by approximately 8.5 acres.
6	4	4.13.2.1.2	p. 4.13-5, line 44	We recommend replacing "once human access to three piers is prevented" with "once access to three piers by humans and mammalian predators is prevented" to better reflect the factor (predation) that likely prevents current nesting by waterbirds on these piers.	Steve Rottenborn, HTH		The comment is acknowledged and the text in Section 4.13.2.1.2 of the FSEIS has been revised accordingly.
7	5	4.13.2.1.2	p. 4.13-7, line 15	The statement "Since some EFH species, including steelhead,..." should be corrected. Steelhead is not regulated according to any fisheries management plan, and thus is not an EFH species.	Steve Rottenborn, HTH		The comment is correct and steelhead has been removed as an EFH species in Section 4.13.2.1.2 of the FSEIS.

**Letter D – Hunters Point Shipyard Phase II Draft Navy SEIS  
February 2011, Comments**

	A	B	C	D	E	F	G
1	Seq. #	Document Reference	Detailed Reference	Comment	Author	Response	Navy Response
8	<b>GHG</b>						
9	1	Page 4.2-7	Line 13	States Appendix J of the SEIS presents the calculations of proposed GHG emissions. The GHG emissions are not in Appendix J.	ENVIRON		The comment is acknowledged and Section 4.2.1.2.3 of the FSEIS has been revised to state: "Appendix J of the SEIS presents the calculations of proposed construction GHG emissions." Estimated operations emissions are presented in Section 4.2, where applicable.
10	2	Page 4.2-7	Line 27	Text states "These values serve as inputs for the URBEMIS2007 model, which was used to estimate emissions from several types of construction activities germane to the project...". URBEMIS2007 was not used. The emissions were estimated using OFFROAD2007 and EMFAC2007.	ENVIRON		The comment is acknowledged and the text in the FSEIS has been changed for clarity to: "The emission factors from the OFFROAD2007 and EMFAC2007 models were used to estimate emissions from several types of construction activities germane to the project..."
11	3	Page 4.2-9	Line 25	"The project alternatives...". I think this should be "The project applicant"	ENVIRON		"Project alternatives" has been changed to: "project applicant" in Section 4.2.1.2.3 of the FSEIS.
12	4	Page 4.2-20	Line 31	Insert word: Alternative 1A would be similar to <u>and</u> slightly lower compared to Alternative 1,	ENVIRON		The text has been updated accordingly in Section 4.2.3.1.1 of the FSEIS.
13	5	Page 4.2-26	Line 24	Insert word: Alternative 2 would be similar to <u>and</u> slightly higher compared to Alternative 1,	ENVIRON		The text in Section 4.2.4.1.2 of the FSEIS has been updated accordingly.
14	6	Page 4.2-32	Line 31	Insert word: Alternative 2A would be similar to <u>and</u> slightly higher compared to Alternative 1,	ENVIRON		The text in Section 4.2.5.1.1 of the FSEIS has been updated accordingly.
15	7	Page 4.2-39	Line 14	Insert word: Alternative 3 would be similar to <u>and</u> slightly higher compared to Alternative 1,	ENVIRON		The text in Section 4.2.6.1.2 of the FSEIS has been updated accordingly.
16	<b>TRANSPORTATION - October 2010 Comments</b>						
17	1	3.1-11	Table 3.1-7	Frequencies shown in this table are different than shown in Table 17 of the Transportation Impact Study for the CPHPS Development Plan. This may be reasonable due to recent service changes. However, capacities shown in Table 4.1.3-5 for the cordons are the same as the CPHPS Development Plan study. If the FEIS study is using a different existing transit service plan, the existing capacities and resulting analysis should reflect this.	Chris Mitchell	<i>Complete - although it might still be helpful to footnote that some frequencies on some lines have been revised since the analysis was prepared.</i>	Frequencies have been changed in Table 3.1.3-5 of the FSEIS for: 9, 19, 23, 24, 44, and T. Route numbers 9X, 9AX, 9BX have been changed to: 8X, 8AX, 8BX. New route 9L was added.
18	2	4.1-2	Line 9	The sentence that refers to "Caltrans signal warrants" should be revised to say "California MUTCD signal warrants"	Chris Mitchell	<i>Only changed one of the references in this paragraph. Others still refer to Caltrans signal warrants.</i>	The final revisions to "California MUTCD signal warrants" have been completed in Section 4.1.1.1.2 of the FSEIS.



**Letter D – Hunters Point Shipyard Phase II Draft Navy SEIS  
February 2011, Comments**

	A	B	C	D	E	F	G
1	Seq. #	Document Reference	Detailed Reference	Comment	Author	Response	Navy Response
	3	4.1-10	Lines 14-15	What is the basis for using AM peak hour volumes to represent Sunday PM peak hour conditions, and if this was done, why aren't the analysis results for Sunday PM the same as for weekday AM? Perhaps this just needs better explanation.	Chris Mitchell	<i>Partially Complete - Refer to new comment on p. 3.1-11.</i>	<b>Existing Sunday PM peak hour volume data within HPS was not available in the EIR for all relevant intersections within HPS. Where the data were not available, morning peak hour was used. Because the existing weekday AM peak hour volume was higher than the PM peak hour volume, it is more conservative to use. Existing traffic in and out of the HPS is generated by construction vehicles, a nominal number of residents, and office users. Since the offices typically would be closed on Sunday afternoon, there would be more inbound traffic than outbound traffic from the HPS for the Sunday PM peak hour, which would be similar to the weekday AM peak hour traffic pattern. According to the ITE Trip Generation Manual, Sunday peak hour is comparable to weekday peak hour. Thus, the existing weekday AM peak hour volume was used for the existing Sunday PM peak hour analysis.</b>

**Letter D – Hunters Point Shipyard Phase II Draft Navy SEIS  
February 2011, Comments**

	A	B	C	D	E	F	G
1	Seq. #	Document Reference	Detailed Reference	Comment	Author	Response	Navy Response
20	4	4.1-44	Mitigaion 5	The language here still does not match the final language adopted by the BOS, which had been more thoroughly vetted for feasibility by SFMTA. Some of the specific improvements were refined since publication of the Draft EIR.	Chris Mitchell	<i>Not Complete - The revised mitigaion measure TR23.1 in the CP/HPS EIR is shown on pp. C&amp;R-2289 - C&amp;R-2290. Mitigation Measure 5 for the 29-Sunset should be revised to match. The original MM in the DEIR called for narrowing sidewalks on Gilman to provide a second travel lane in each direciton that could operate as a transit only lane. However, the sidewalk narrowing was actually part of the project, so the MM was revised to call for converting one of the newly-created travel lanes in each direction to transit only. Since all of the other travel demand, etc., associated with the CP portion of the project are included in the transit analysis in the SEIS, it would make sense to include the CP improvements (which also include widening Gilman Avenue) as part of the baseline, which means it's not needed as part of MitigationMeasure 5 for the 29-Sunset.</i>	<b>MM 5 for the 29-Sunset has been revised in Section 4.1 of the FSEIS to match revised mitigation measure TR23.1 of the EIR.</b>
21	5	4.1-46	Lines 1-2	The first sentence states that Mitigaion 5 is proposed to ensure the final Transit Plan is prepared an implemented. Is the correct reference to Mitigaion 4 instead?	Chris Mitchell	<i>Complete</i>	<b>This revision was completed in the DSEIS.</b>
22	6	4.1-80	Last 2 paragraphs	Text notes that the discussion of Alt 1 describes why mitigation measures for all significantly-impacted intersections weren't feasible. However, there are additional intersections that are impacted in Alt 2 that weren't impacted (and therefore not discussed) in Alt 1.	Chris Mitchell	<i>See new comments below.</i>	<b>Section 4.1.5.2.2 of the FSEIS has been revised to include discussion of additional intersections that were not impacted and increased magnitude of impacts due to higher trip generation and ridership.</b>
23	7	4.1-84	Transit Operations Impacts	Discussion says that all discussion of transit operations impacts for Alternative 2 was included in Alternative 1. However, since trip generation, and therefore ridership, is higher, shouldn't this section discuss the increased magnitude of the impacts?	Chris Mitchell	<i>Not Complete - Still unclear why Alt 2 wouldn't have incresed transit impacts since it's generating more trips, both auto and transit.</i>	<b>Section 4.1.6.2.2 of the FSEIS has been revised to include discussion of additional intersections that were not impacted and increased magnitude of impacts due to higher trip generation and ridership.</b>

**Letter D – Hunters Point Shipyard Phase II Draft Navy SEIS  
February 2011, Comments**

	A	B	C	D	E	F	G
1	Seq. #	Document Reference	Detailed Reference	Comment	Author	Response	Navy Response
24	8	4.1-93	Transit Operations Impacts	Same comment as on Page 4.1-84 regarding different transit ridership for this alternative, and therefore, impacts may be different.	Chris Mitchell	<i>Not Complete - Still unclear why Alt 2A wouldn't have increased transit impacts since it's generating more trips, both auto and transit.</i>	<b>Section 4.1.7.2.2 of the FSEIS has been revised to include discussion of additional intersections that were not impacted and increased magnitude of impacts due to higher trip generation and ridership.</b>
25	<b>TRANSPORTATION - February 2011</b>						
26	9	3.1-11	Lines 20-29	The text states that counts were not collected for Sunday PM and that instead, the weekday AM volumes were used to approximate Sunday. However, the volumes on Figure 3.1.3-6 – Existing Intersection Volumes – Sunday PM Peak Hour are not the same as the weekday AM peak hour. Instead they are identical to the Sunday PM peak hour volumes reported in the CPHPS EIR, which were actual counts. The weekday AM and Sunday PM intersection LOS results shown in Table 3.1.3-2 – Intersection LOS – Existing Conditions also match the LOS results from the CPHPS EIR. So, it appears the analysis and the figure are correct, and are based on actual Sunday data collection, but the text describing the Sunday counts is incorrect and should be revised.	Chris Mitchell		<b>The weekday AM counts were used for Sunday PM within HPS. The remaining intersection volumes (vicinity of HPS) for Sunday PM were obtained from the CP-HPS EIR. There were no traffic counts for five intersections within HPS for Sunday afternoon peak, so weekday morning peak conditions were used (see response to Comment D-3, above). Revisions have been made to Section 3.1 of the FSEIS.</b>
27	10	4.1-12	Line 2	The text states that "These offsite improvements are proposed as part of city plans or other developments." This is not correct, as all of the off-site improvements listed, except for the Harney Way Widening, are part of the project. This should be corrected.	Chris Mitchell		<b>The text in the FSEIS has been revised and clarified to indicate that the improvements are related to the proposed action but outside of the Navy property at HPS.</b>
28	11	4.1-34	Lines 19-20	Lines 19 and 20 contain the following sentence: "If any intersection at any time period is determined to operate at an unacceptable level of service, the potential project impact is considered significant." This language is a little misleading. It's only a significant impact if the project contributes considerably to an intersection operating at an unacceptable level of service, not any time an intersection is operating unacceptably. As it reads, the project wouldn't even have to contribute one trip for an intersection operating at LOS F to be identified as having a significant project impact, which was not likely the intended meaning.	Chris Mitchell		<b>The comment is acknowledged and the text in relevant sections of the FSEIS has been corrected to recognize that a 5 percent project contribution to the cumulative increase in traffic resulting in a cumulative impact is considered "considerable."</b>
29	12	4.1-34 - 4.1-35	Table 3.1.3-1	It's unclear from the table legend what the difference between the solid dot and the solid dot with "PI" afterwards is. It is clear that "PI" means Project Impact. It's unclear what a solid dot without the "PI" refers to. Presumably, it's a significant cumulative impact, but not necessarily a project-specific impact, but it would be helpful to label the legend in the notes section accordingly. This comment applies to all tables with this legend.	Chris Mitchell		<b>Table 3.1.3-1 and other tables in the FSEIS have been revised to clarify the meaning of the legend.</b>

**Letter D – Hunters Point Shipyard Phase II Draft Navy SEIS  
February 2011, Comments**

	A	B	C	D	E	F	G
1	Seq. #	Document Reference	Detailed Reference	Comment	Author	Response	Navy Response
30	13	4.1-36	Figure 4.1.3-1	Intersection 15, Galvez/Spear is shown incorrectly. This segment of Galvez is proposed to be one-way (Refer to Figure 7G on p. 33 of the Transportation Plan). This was a last-minute change in the CPHPS EIR, but the EIS analysis should probably be revised to be consistent. Further, as such a small street, primarily intended to serve the transit center, the volumes shown on Figure 4.1.3-1 seem unrealistically high, possibly one cause for the unacceptable level of service calculated at this intersection.	Chris Mitchell		<b>Figure 4.1.3-1 in the FSEIS has been corrected to accurately reflect the intersection, and text has been revised for traffic flow and volumes related to Intersection 15.</b>
31	14	4.1-39	Mitigation 3	See previous comment regarding Galvez/Spear – the volumes used to calculate LOS at Spear/Galvez seem unrealistically high, and don't reflect the one-way nature of the street as shown in the Transportation Plan. Further, even if the intersection were to experience a significant traffic impact, the mitigation measure proposed would install a new traffic signal in the middle of the transit center, possibly causing additional delay to a large number of buses to benefit a relatively few autos. This recommendation should either be reconsidered or at least a discussion of its potential secondary effect to transit should be included.	Chris Mitchell		<b>Section 4.1.3.2.2 of the FSEIS has been revised to be consistent with the EIR changes in traffic flow and volumes related to Intersection 15.</b>
32	15	4.1-76 - 4.1-77	Line 33 of p. 4.1-76 to Line 4 of p. 4.1-77	The list of intersections starting on line 33 of p. 4.1-76 through line 4 of p. 4.1-77 appears to be redundant with the list of intersections shown on lines 15-24 of p. 4.1-76. Although the second listing is intended to be cumulative contributions, the first list indicates whether the impacts are project-specific and/or cumulative, so the second list is redundant and slightly confusing, since none of the other alternatives describe the intersections this way. Since the traffic impacts of Alternative 1A are identical to those of Alternative 1, the format of this section should be the same as the formatting used for discussing Alternative 1.	Chris Mitchell		<b>Section 4.1.4.2.1 of the FSEIS has been revised to eliminate the redundancy of the list of intersections in question.</b>
33	16	4.1-80	Lines 6, 7, 34, and 36	Lines 6, 7, 34, and 36 each refer to Mitigation 3 – implementation of final transit operating plan. The correct reference should be to Mitigation 4.	Chris Mitchell		<b>The reference has been changed to Mitigation 4 in Section 4.1.4.2.2 of the FSEIS.</b>
34	17	4.1-88	Table 4.1.5-1	The Impact bubbles for Intersection #111 (Donahue/Galvez) don't appear to match the analysis results. They should be shown as significant and unavoidable, I believe. The text on the following pages is consistent with this.	Chris Mitchell		<b>Table 4.1.5-1 of the FSEIS has been revised to show #111 Donahue/Galvez as a significant and unavoidable impact.</b>
35	18	4.1-90	Line 9	The discussion on the top of page 90 does not reference the impact and associated mitigation measure to Galvez/Spear (Mitigation 3). It's not necessary to repeat the entire measure, but some reference should be made noting that Mitigation 3 still applies and is effective. (See also comments made regarding the discussion of Mitigation 3, which would apply here, also.)	Chris Mitchell		<b>A discussion of Robinson/Galvez and Donahue/Galvez has been included in Section 4.1.5.2.1 revisions to the FSEIS.</b>
36	19	4.1-92	Line 2	Line 2 notes that Mitigations 2 and 11 would reduce one impact at the Lockwood/Spear intersection. However, doesn't Mitigation 3 reduce an impact at Galvez/Spear? (See also comments made regarding the discussion of Mitigation 3, which would apply here, also, and may affect the way this is handled.)	Chris Mitchell		<b>Section 4.1.5.2.2 of the FSEIS has been revised to clarify the effect of Mitigation 3.</b>

**Letter D – Hunters Point Shipyard Phase II Draft Navy SEIS  
February 2011, Comments**

	A	B	C	D	E	F	G
1	Seq. #	Document Reference	Detailed Reference	Comment	Author	Response	Navy Response
37	20	4.1-93	Lines 3, 4, 9, and 10	Lines 3, 4, 9, and 10 refer to Mitigation 3 (implementation of transit plan). However, the correct reference is Mitigation 4.	Chris Mitchell		Section 4.1.5.2.2 of the FSEIS was revised to refer to Mitigation 4 for implementation of the transit plan.
38	21	4.1-94	Lines 26 - 28	Delete the sentence reading “The estimated loading supply would be greater than the loading demand during the peak hour of loading operations.” This statement is not true; however, the following sentence is true and can stand on its own.	Chris Mitchell		The incorrect sentence was deleted in Section 4.1.7.2.1 of the FSEIS and other sections where found.
39	22	4.1-100	Line 36	The discussion on the bottom of page 100 does not reference the impact and associated mitigation measure to Galvez/Spear (Mitigation 3). It’s not necessary to repeat the entire measure, but some reference should be made noting that Mitigation 3 still applies and is effective. (See also comments made regarding the discussion of Mitigation 3, which would apply here, also.)	Chris Mitchell		Section 4.1.6.2.1 of the FSEIS has been revised to note that Mitigation 3 still applies and is effective.
40	23	4.1-103	Lines 7, 8, 13, and 14	Lines 7, 8, 13, and 14 refer to Mitigation 3 (implementation of transit plan). However, the correct reference is Mitigation 4.	Chris Mitchell		Section 4.1.6.2.2 of the FSEIS has been revised to refer to Mitigation 4 for implementation of the transit plan.
41	24	4.1-110	Line 25	The discussion in the middle of page 110 does not reference the impact and associated mitigation measure to Galvez/Spear (Mitigation 3). It’s not necessary to repeat the entire measure, but some reference should be made noting that Mitigation 3 still applies and is effective. (See also comments made regarding the discussion of Mitigation 3, which would apply here, also.)	Chris Mitchell		Section 4.1.7.2.1 of the FSEIS has been revised to note that Mitigation 3 still applies and is effective.
42	25	4.1-112	Lines 4 and 5	Lines 4 and 5 refer to Mitigation 3 (implementation of transit plan). However, the correct reference is Mitigation 4.	Chris Mitchell		Section 4.1.7.2.2 of the FSEIS has been revised to refer to Mitigation 4 for implementation of the transit plan.
43	26	4.1-120	Line 14	The discussion in the middle of page 120 does not reference the impact and associated mitigation measure to Galvez/Spear (Mitigation 3). It’s not necessary to repeat the entire measure, but some reference should be made noting that Mitigation 3 still applies and is effective. (See also comments made regarding the discussion of Mitigation 3, which would apply here, also.)	Chris Mitchell		Section 4.1.8.2.1 of the FSEIS has been revised to note that Mitigation 3 still applies and is effective.
44	27	4.1-125 - 4.1-126	Table 4.1.10-1	The Evans/Cesar Chavez row indicates a not significant impact under Alternative 4. However, Table 4.1.8-1 and the subsequent discussion indicates that the intersection will have a significant and unavoidable impact in the AM peak hour under Alternative 4. Also, the line for the US 101 SB off-ramp to Cesar Chavez shows significant impacts for Alternatives 1A and 4, which were should be shown as less than significant. Table 4.1.10-1 should be double-checked and revised.	Chris Mitchell		Tables 4.1.8-1 and 4.1.10-1 in Section 4.1.8.2.1 of the FSEIS have been revised accordingly.
45	28	5-6 - 5-7	Table 5.3.1-1	The list of intersections experiencing significant impacts is incomplete. Specifically, it’s missing Third/Cargo, Third/Paul/Gilman, and Evans/Cesar Chavez. The subsequent text on the top two paragraphs of p. 5-7 should also be revised. Also, in the Mitigation column, the table mixes up Mitigations 3 and 4. The one shown as Mitigation 4 should be Mitigation 3 and vice versa.	Chris Mitchell		Section 5.3.1.1 has been revised in accordance with the comment.

**Letter D – Hunters Point Shipyard Phase II Draft Navy SEIS  
February 2011, Comments**

	A	B	C	D	E	F	G
1	Seq. #	Document Reference	Detailed Reference	Comment	Author	Response	Navy Response
46	29	5-7	Line 17	The sentence on lines 16 and 17 should be revised as follows: "However, since the arena is not part of the proposed action, traffic impacts associated with the arena would <b><i>not</i></b> be project impacts."	Chris Mitchell		Section 5.3.1.1 of the FSEIS has been revised in accordance with the comment.
47	<b>CUMULATIVE IMPACTS</b>						
48	1	Page 5-2		The chart showing population and job growth the number of 2030 jobs should be 748,000 (Not 478,100).	Pracher		The text has been updated accordingly in Section 5.1 of the FSEIS.
49	2	Page 5-3		Table 5.2-1 item #2, last sentence should state that a final EIR has been certified by the City and County of San Francisco.	Pracher		Table 5.2-1 has been updated accordingly in the FSEIS.
50	<b>AIR QUALITY</b>						
51	1	4.2-1	Line 32-35	Text states: "A project alternative would have a cumulative impact if the aggregate total of all past, present, and foreseeable future sources within a 1,000 foot radius from the fence line of a source, or from the location of a receptor, plus the contribution from the project, exceeds the following: ..." Text should clarify that the thresholds for new receptors are effective January 1, 2011.	ENVIRON	<i>Text revised; however, at the December 15, 2010 Board Meeting, the District's Board of Directors revised the effective date for the risk and hazards thresholds for new receptors from January 1, 2011 to May 1, 2011. Text date should be changed to May 1, 2011.</i>	The comment and response are acknowledged and Section 4.2.1.1 of the FSEIS has been revised to: "... new receptors are effective 1 May 2011."

*City and County of San Francisco/Lennar*

**Response to Comment D-1**

Responses to City/Lennar comments are contained in their comment and response matrix.

4/11/2011

For: Director, BRAC PMO West  
Attn: Mr. Ronald Bochenek  
1455 Frazee Road, Suite 900  
San Diego, CA 92108

From: Michael F. McGowan, Ph.D.  
Arc Ecology  
1331 Evans, Avenue  
San Francisco, CA 94124

Subject: Comments on Draft Supplemental EIS for Disposal and Reuse of Hunters Point Shipyard.

Thank you for the presentation of the DSEIS in our community on March 15, 2011 and the opportunity to provide these comments. The impacts of the proposed project to air quality, to transportation, to noise, and to environmental justice for the immediate neighbors of the project were clearly described. My comments relate to (1) mitigation for these significant impacts, and (2) to the table showing the summary of the overall impact analysis.

- (1) Mitigation should be proposed and designed to compensate for every impact found to be significant and unavoidable. If not possible to mitigate on site and in kind, then off site and in- or out-of-kind mitigation should be proposed as an integral part of the commitment to the project. For example, deterioration of local air quality caused by the project could be mitigated by supporting clean transit or industrial upgrades elsewhere in the city or the regional air district. Other out-of-kind mitigation should be devised and supported for the other impacts as well. | E-1
- (2) The Overall Impact Summary table is of no value for comparing alternatives because, with rare exception, the alternatives do not differ from each other on the broad category of impact. This is because the categorical variables it uses to rank the alternatives are too broad to distinguish differences. This table should use numerical ranks or a quantitative score for the alternatives on each impact or factor. With a numerical rank or score on each alternative then the alternatives could be ranked on average or total impact and meaningful comparisons could be made. | E-2

Mitigation for impacts is essential because the project should be making conditions better not worse for the community and its environment. | E-3

The summary table needs to be useful because comparison of alternatives is a fundamental part of the EIS process and as the table is now it is worthless for making comparisons except for either having a project or no project. | E-4

Sincerely,

Michael F. McGowan (by email)  
[mikemcgowan@arcecology.org](mailto:mikemcgowan@arcecology.org)  
415 643-1190



*Arc Ecology, April 11, 2011*

**Response to Comment E-1**

The DoN understands the concerns expressed by the comment. Under NEPA, the federal agency proposing an action must evaluate the environmental effects (impacts) that can reasonably be anticipated to be caused by or result from the proposed action. Impacts are identified as significant and unavoidable (either with mitigation or where mitigation is not feasible), significant and mitigable, not significant, or no impact. Mitigation measures that can be taken to potentially reduce impacts to a level below significant are noted in the FSEIS for each alternative, as feasible. For example, mitigation measures for biology impacts are described in Section 3.13.2.1, Construction Impacts, including a measure to restore or create wetlands for wetlands permanently impacted by the proposed action. All relevant and reasonable mitigation measures that could alleviate environmental impacts have been considered. In some cases, there remain significant and unavoidable environmental impacts after feasible mitigation measures have been applied. These effects are identified and discussed in Section 6.1, Unavoidable Adverse Impacts. Unavoidable adverse impacts are impacts that cannot be avoided as a result of constraints in alternatives. These effects do not have to be avoided by the planning agency, but they must be disclosed, discussed, and mitigated, if possible.

Disposal of the HPS property is the responsibility of the DoN. Mitigations identified for impacts associated with reuse would be the responsibility of the future developer or owner of the property, under the direction of SFRA and federal, state, and local agencies with regulatory authority over and responsibility for such resources, and would be subject to permitting and monitoring requirements.

**Response to Comment E-2**

Comparisons of impacts between alternatives (or sub-alternatives) can be indistinguishable for some resources (e.g., geological resources relative to the proposed action) because the level of impact is often the same or very similar. Those resources are not useful or are only marginally useful for deciding among alternatives, while other resources (e.g., transportation and noise) that have more distinguishable differences provide the best basis for impact evaluation and decision making. The FSEIS utilizes two different summary tables to provide different levels of information for impact evaluation and comparison of alternatives. Table ES-2 allows the reader to see, at a glance, which alternatives/resource areas would result in a significant impact and whether that impact could be mitigated. Table 2.4-1 provides a more in-depth comparison by summarizing the cause of the impact and describing the associated mitigation (when applicable). These combined tables are key to communicating the basis for conclusions in the FSEIS. Using a numeric rank or quantitative score would not help to distinguish the level of impact, and would make the comparison more confusing by introducing an arbitrary ranking system.

**Response to Comment E-3**

The DoN appreciates your comment. Please refer to the response to Comment E-1.

**Response to Comment E-4**

The DoN appreciates your comment. Please refer to the response to Comment E-2.

May 6, 2011

Director BRAC PMO West  
Attn: Mr. Ronald Bochenek  
1455 Frazee Road, Suite 900  
San Diego, CA 92108-4310

*Sent by email to: ronald.bochenek.ctr@navy.mil*

Subject: The Golden Gate Audubon Society and Sierra Club Comments to Draft SEIS for the Disposal and Reuse of the Hunters Pt Naval Shipyard, San Francisco, CA

Dear Mr. Bochenek:

On behalf the Golden Gate Audubon Society and Sierra Club working cooperatively with the Lennar Corporation and City of San Francisco, the Arc Ecology consulting team submits the following comments. Golden Gate Audubon and the Sierra Club appreciate the opportunity to comment on the draft SEIS dated February 2011 for the reuse of the Hunters Pt. Naval Shipyard in San Francisco.

Our comments relate to the proposed Parcel E grassland ecology park and shoreline improvements described at a very conceptual level in the draft SEIS. Specifically, we have developed a stormwater treatment habitat wetland and beach/lagoon system that meets both the SEIS project requirements as well the many additional requirements of the project EIR (City of San Francisco dated November 12, 2009) while providing for natural stormwater treatment along with a range of important habitat values. The project team has met with numerous times with the Lennar consulting team to evaluate and develop this proposed design as well as conducted a presentation and meeting with the navy and regulatory agencies on March 15, 2011 to present the restoration plan and discuss issues (PowerPoint presentation attached). Follow-up meeting with regulatory agencies, notably, BCDC, are currently on-going.

F-1

*Description of Proposed Natural Stormwater Habitat Treatment Wetlands and Back Barrier Beach/Lagoon System*

The project team has developed a preliminary design for natural stormwater treatment and habitat wetlands that integrates with the proposed grasslands and ecology park proposed in the draft SEIS for Parcel E. In addition, we have proposed a beach and lagoon system to serve as the receiving waters for these wetlands that provides for a range of important Bay habitats as well as provide for natural resiliency to seal level rise. Note that this restoration design alternative was carefully design to meet the myriad of project requirements contained in the Draft EIR, the proposed Navy soil cover for Parcel

F-2

F-2 ↑ E and figures provided by the Navy showing shoreline locations of remnant contamination that are not amenable for natural solutions such as the proposed beach and lagoon system.

Specifics details of the restoration plan are as follows. The location of these elements is best shown in the attached documents and especially in the PowerPoint presentation to the Navy and Agencies dated March 15, 2011.

- Stormwater Treatment Swales – Peter Baye, Coastal Ecologist prepared an analysis of historic San Francisco Bay wetlands types and their applicability for use at the Hunters Point site for the grassland park and stormwater treatment swales. From this analysis, a preliminary restoration plan consisting of native grass sedge treatment swales will be constructed all along and within the Parcel E grassland ecology park to collect and treat stormwater runoff from the site. These grasses grow well within the proposed clay loam soil cover proposed by the Navy for all of Parcel E and the dense root system of the grass sedges will work to inhibit incision into the soil cap cover and exposure of the underlying soils.
- Shallow Frog Ponds - Within the swales, we propose to be grade a series of small, shallow pools for tree frog habitat. The shallow pools also serve an important function as graded control to resist any possibility of head cut incision from the treatment swales into the underlying soils with residual contamination. Tree frogs serve as an important keystone base species for the local food chain.
- Fringing Riparian Vegetation - The series of treatment swales will drain through a fringe of riparian vegetation along the edge of the backbarrier lagoon to provide for riparian habitat and additional stormwater treatment prior to discharging into the lagoon.
- Back Barrier Beach and Lagoon System – We evaluated both existing and historic bay conditions along the HP shoreline and have proposed a backbarrier beach and lagoon system as appropriate for this location and providing the highest range of habitat benefits. The swales will ultimately discharges into a backbarrier beach and lagoon system. The lagoon itself provides both habitat and treatment functions as well as providing aesthetic values for the local community for bird watching. The proposed sand beach and gravel berm system is a demonstration project of natural approaches to combating wind-wave erosion from sea level rise as these systems naturally to changes in water levels and wind-wave energy.

F-3 ↓ Note that grassland Ecology Park and shoreline are only very conceptually presented in the Draft SEIS. Our project conforms to the Draft ESIS language in two important and specific locations:

Page 2-21 of the Draft ESIS specifically mentions creation of stormwater treatment wetlands. Our plan meets this project goal.

Page 2-40 of the Draft ESIS specifically mentions a natural shoreline consisting of sandy beaches. Our plan provides this habitat type in locations specific by the navy as suitable for a natural shoreline along Parcel E.

↑  
F-3

I appreciate the opportunity to comment on the SEIS and provide background information on our restoration alternative for Parcel E. Please do not hesitate to contact me at [roger.leventhal@gmail.com](mailto:roger.leventhal@gmail.com) or 510-757-6848.

Sincerely,

A handwritten signature in black ink that reads "Roger Leventhal". The signature is written in a cursive style with a large, stylized "R" and "L".

Roger Leventhal, P.E.  
Principal Engineer

attachments

# Stormwater Treatment and Habitat Creation through Reconstruction of SF Natural Wetland Landscapes at Hunters Point Parcel E/E2

March 15, 2011

Roger Leventhal, P.E.  
Peter Baye, PhD

Arc Ecology ©

# Goals for today

1. Present proposed stormwater treatment wetlands beach and lagoon concept design
2. Discuss integration with EIR and Navy site requirements
3. Feedback and next steps



# Background

- SFO funding for design of stormwater treatment wetlands at Parcel E
- Approx. 20 acres of jurisdictional and non-jurisdictional wetlands
- Step 1 -> development of concept design alternatives and meetings with Lennar design team
- Step 2 -> meet with Navy and regulators (here we are)





Site 1 Parcel E2

Site 1  
Parcel E2

Hunters Pt

Site 2

Site 2

Site 3

Site 3



# Overview

## Conceptual Restoration Plan

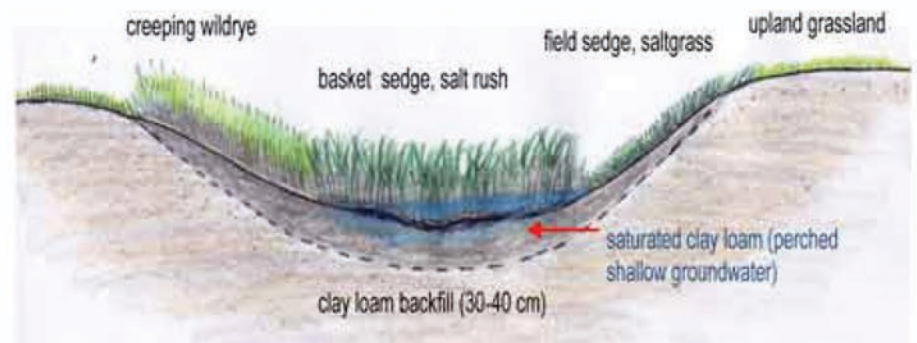
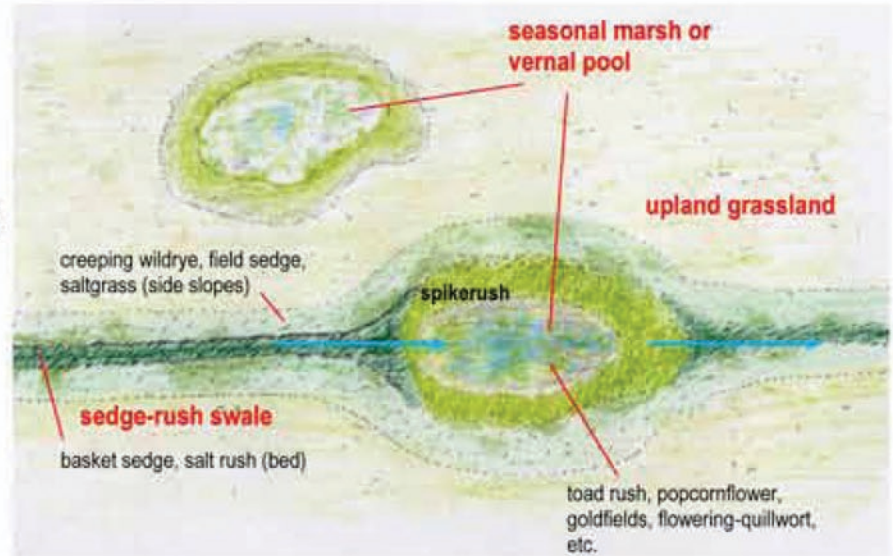
- Based on analysis of historic SF wetland habitats
- Modular habitat “units” to fit site constraints and other public uses

Consists of Two Main Design Elements...

- Upland seasonal swale collection/treatment system
- Coastal beach and lagoon with fringing marsh and riparian scrub edge

# Uplands Swale Collection and Treatment System

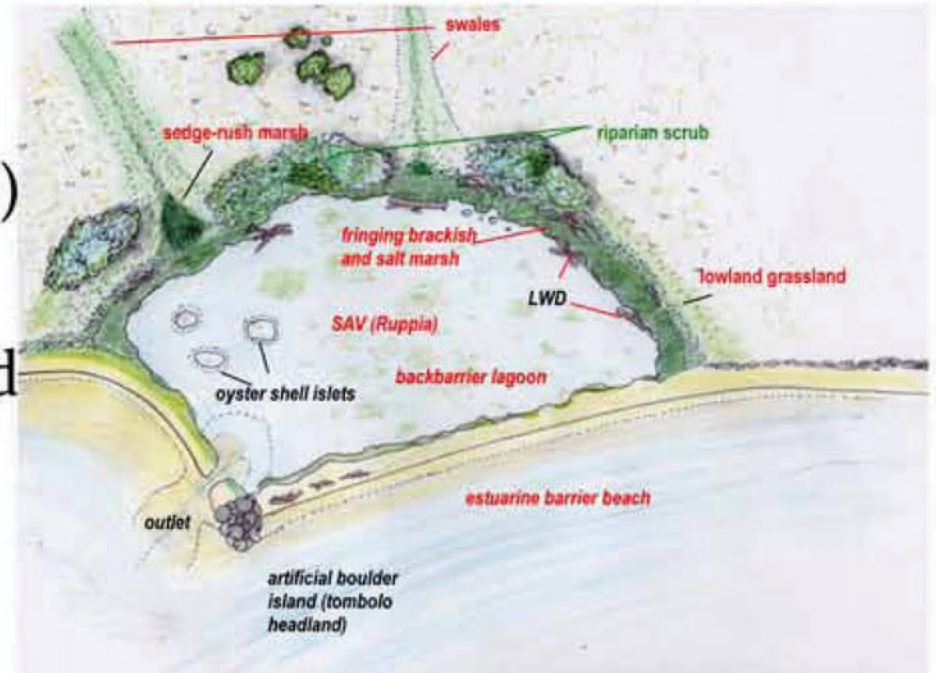
- Treatment swales are dense perennial grasses
- With shallow seasonal pools (tree frog habitat)





# Coastal Lagoon and Beach

- Coastal lagoon with backbarrier beach (designated wetland type)
- Adjust to wave energy and slr



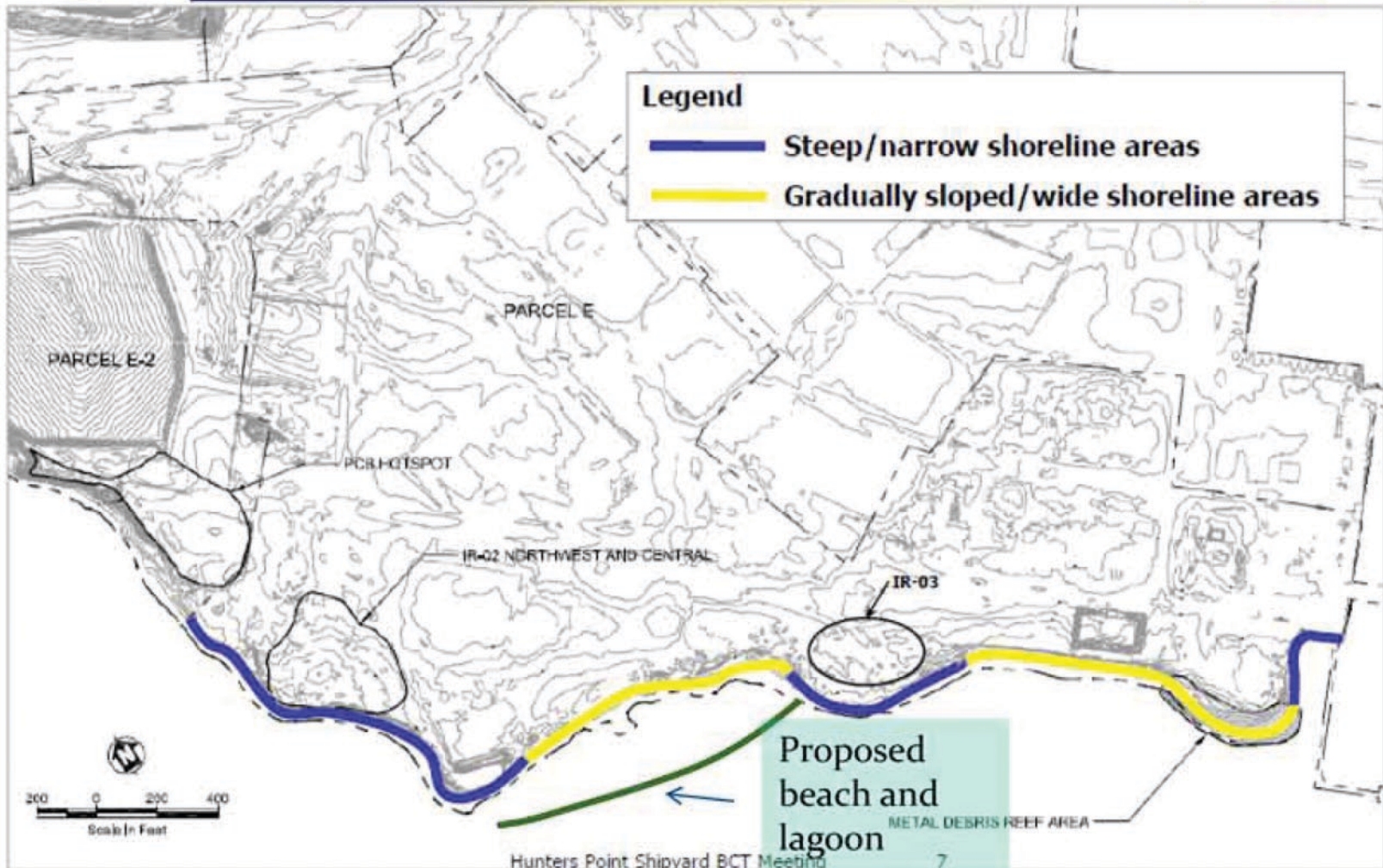
# Reviewed Navy Plan (Jan 2011 TRT presentation)

- Navy Presented Two Shoreline Types
  - Steep and narrow
  - Gradually slopes and wide
- Two Shoreline Treatments for Gradually Sloped Areas
  - Natural shoreline materials with off-shore reef
  - Natural shoreline materials with underlying armor
- **Our Plan Works with (and we believe enhances) Navy Proposals**



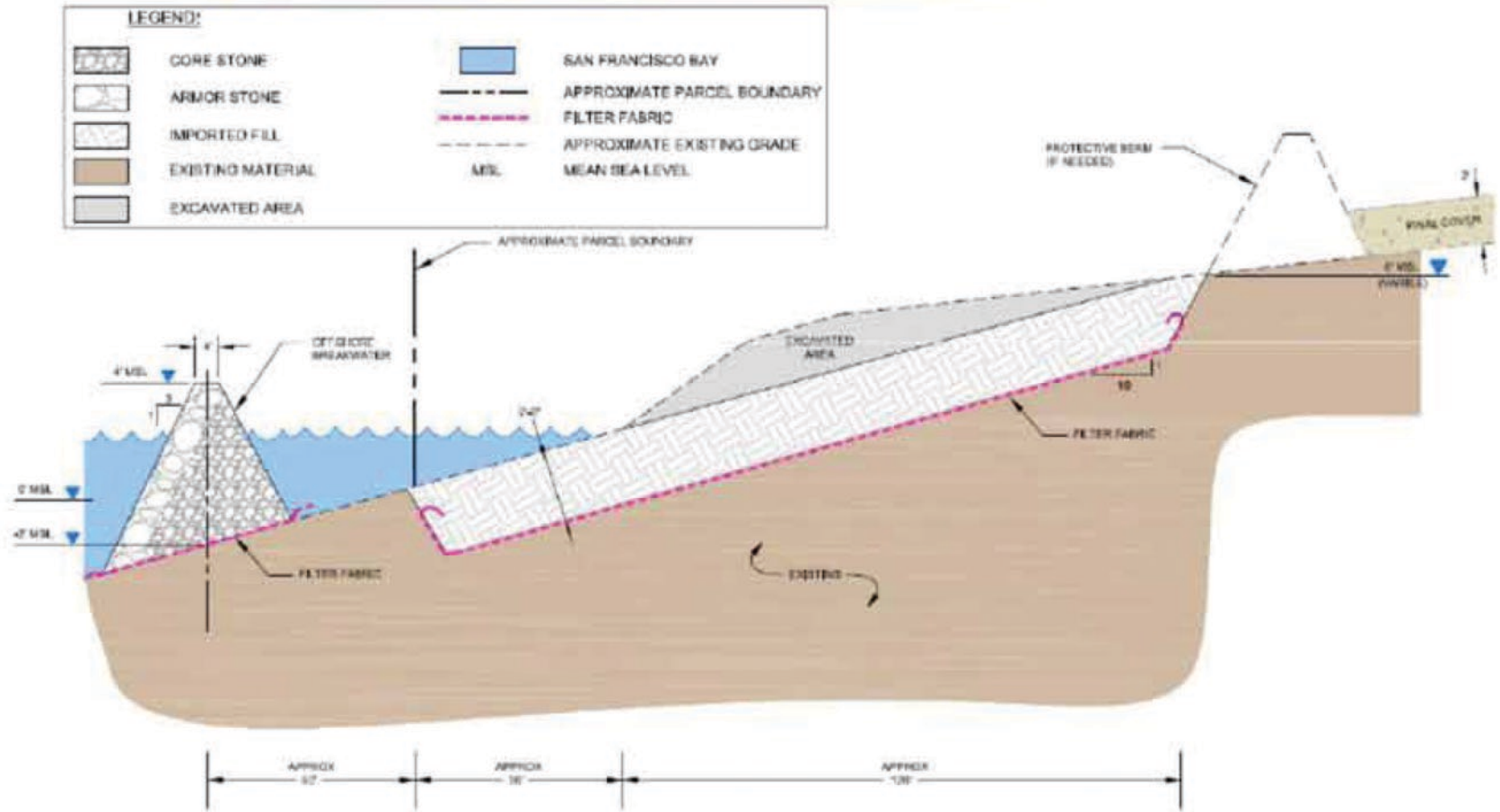


# Part I: Shoreline Protection TM – Evaluation Approach(cont.)





# Natural Shoreline Materials with Offshore Reef





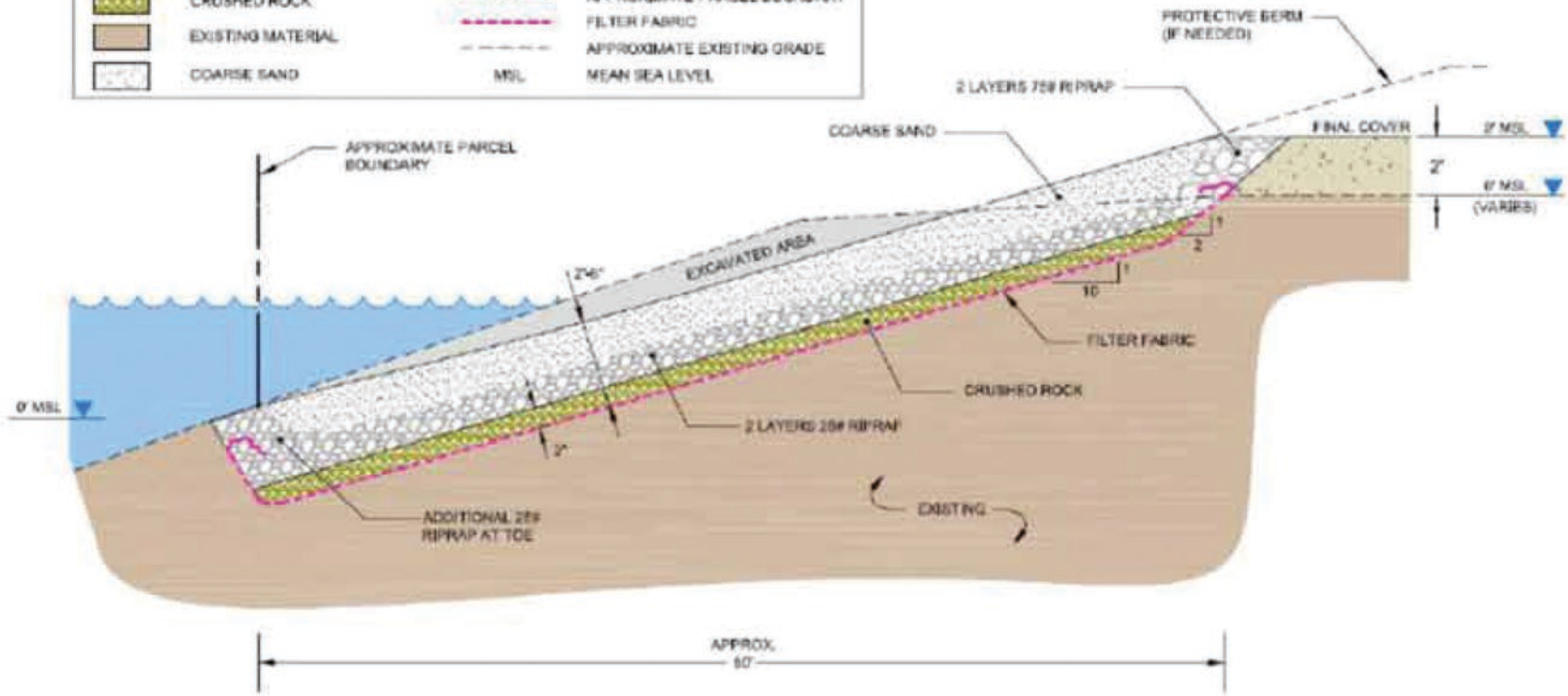


# Natural Shoreline Materials with Underlying Rock Armor



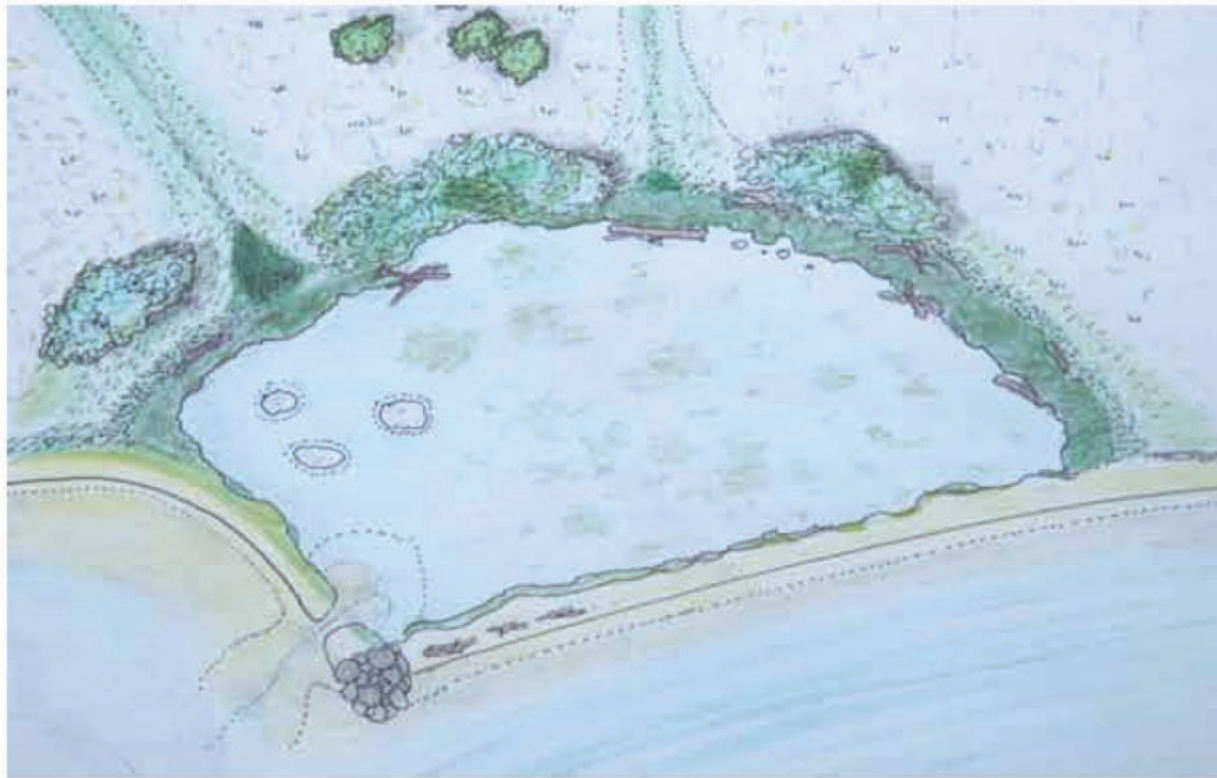
**LEGEND:**

	25# RIPRAP		SAN FRANCISCO BAY
	75# RIPRAP		EXCAVATED AREA
	CRUSHED ROCK		APPROXIMATE PARCEL BOUNDARY
	EXISTING MATERIAL		FILTER FABRIC
	COARSE SAND		APPROXIMATE EXISTING GRADE
			MSL MEAN SEA LEVEL





# Parcel E Restoration Design Concepts



# San Francisco Bay natural barrier & fringing beaches





# Hunters Point fringing beaches



**Constructed beaches near or at locations of historic natural bay beaches: coarse sand, driftwood, nearshore bay mud**

# Microtidal lagoons with natural beach-choked outlets – SF Bay



**Point Pinole –  
coarse sand**



**Foster City - oyster shell hash barrier beach**



**China Camp pocket lagoon and beach**



**Crissy Field Lagoon**



# Constructed microtidal lagoon & salt marsh with beach-choked outlets – Pier 94, SF



# Constructed microtidal lagoon & salt marsh with beach-choked outlets – Pier 94, SF





# Wigeongrass (*Ruppia*) – submerged aquatic vegetation of saline lagoons



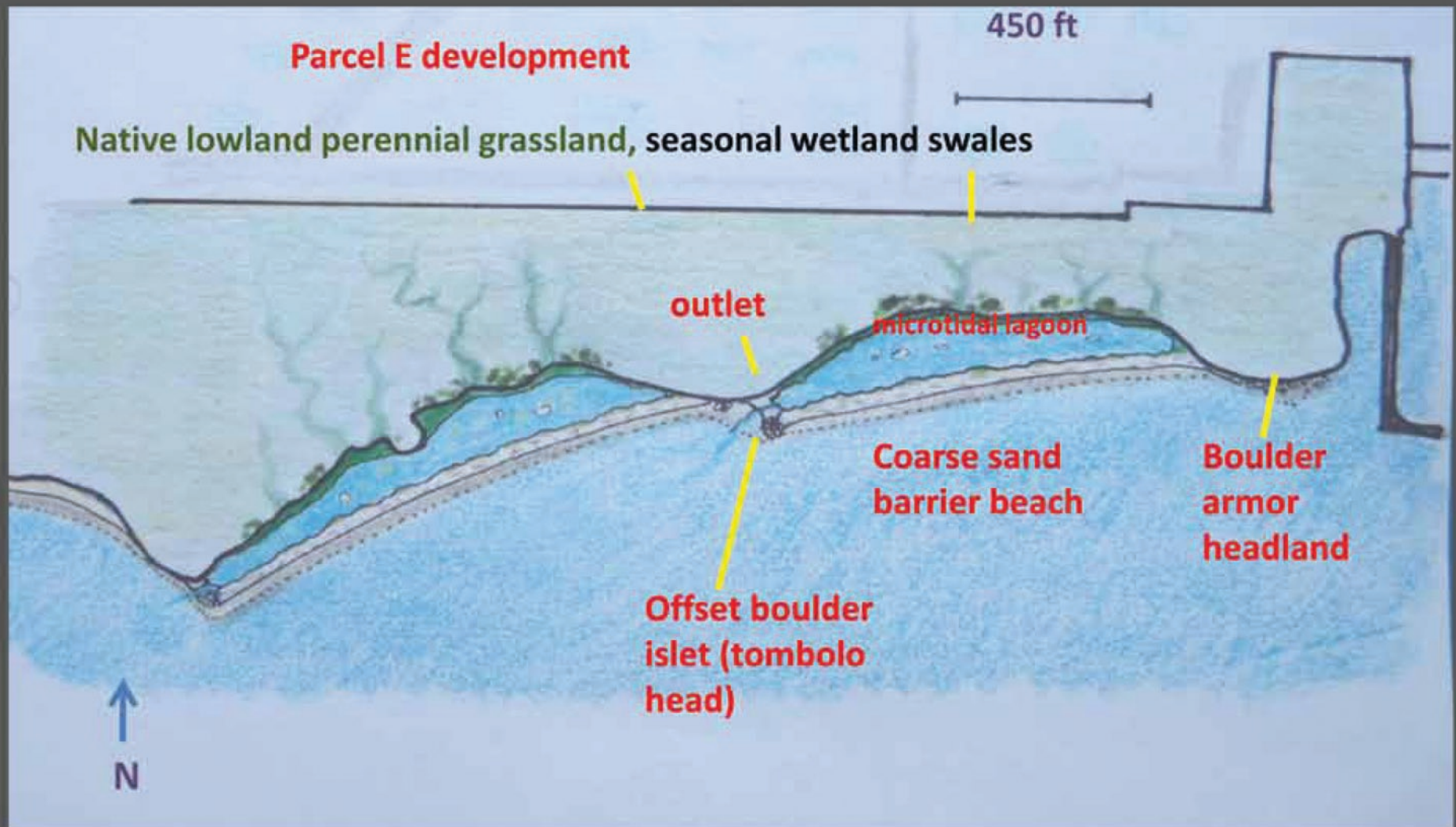
***Ruppia* beds provide nursery habitat for small estuarine fish and invertebrates (heron and egret foraging habitat), forage for ducks**

# Seasonal wetland swales and pool: spikerush vernal marsh

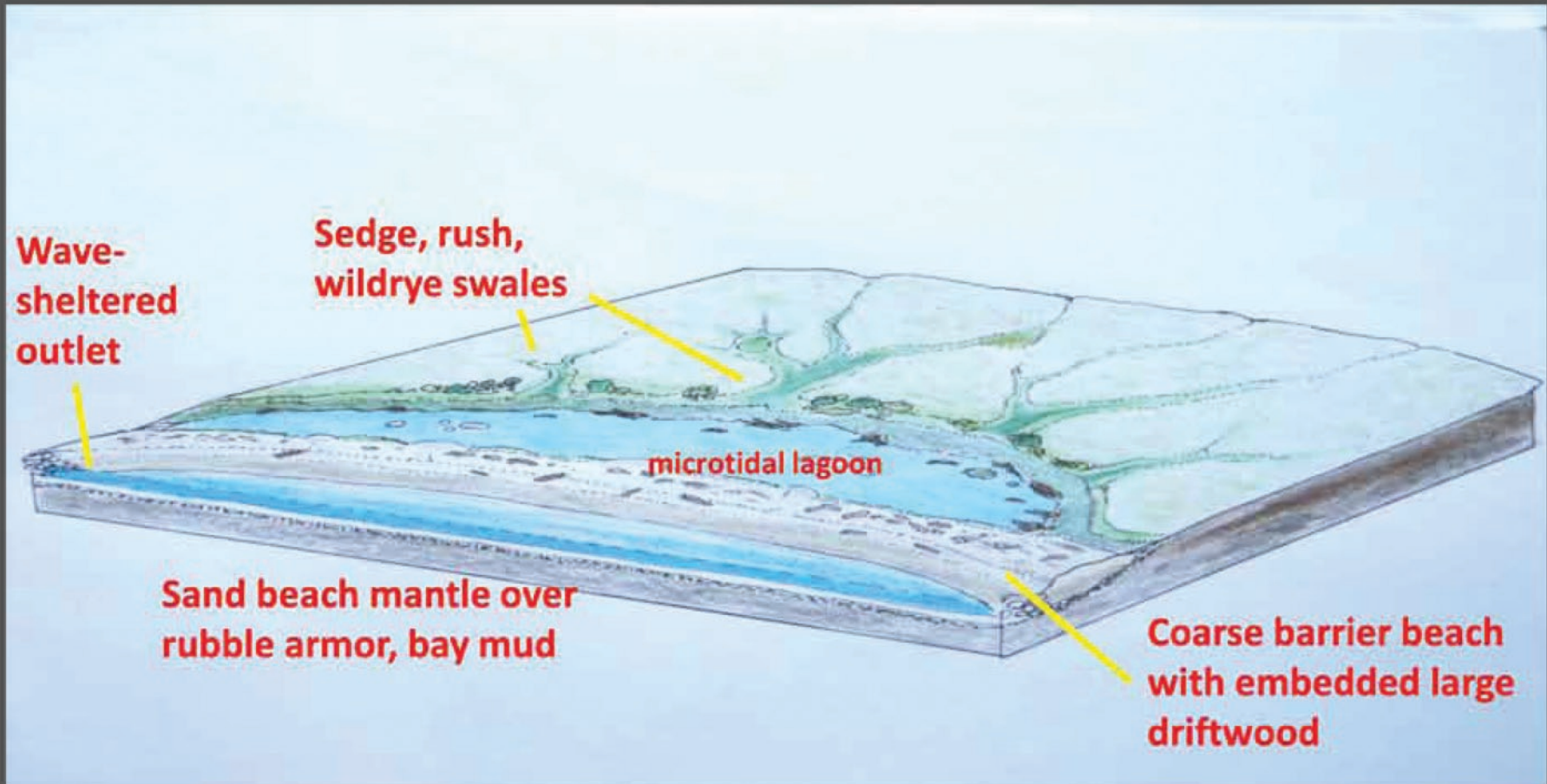




# Conceptual barrier beach and microtidal lagoon, lowland grassland & swales – Parcel E, plan view

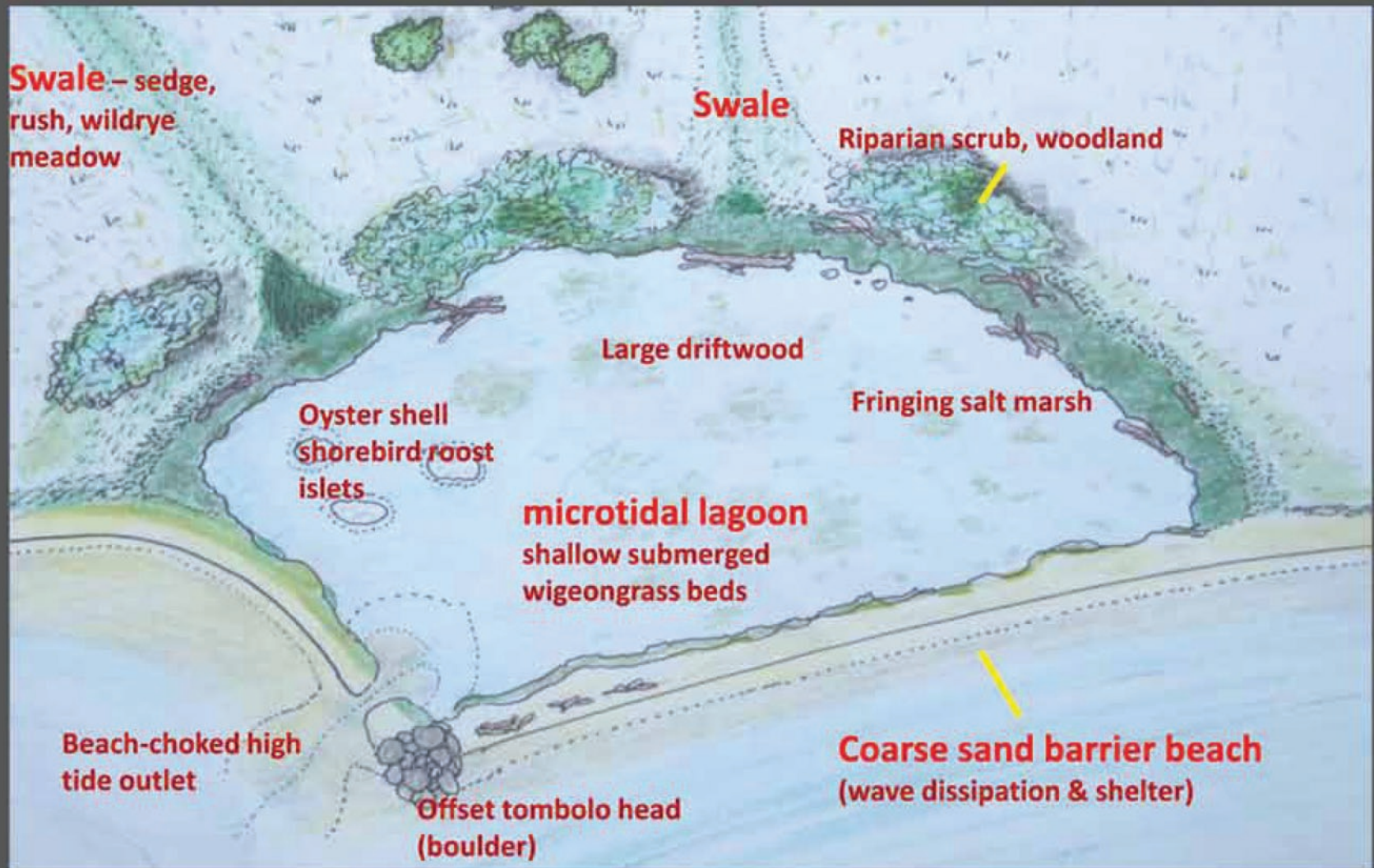


# Conceptual barrier beach and microtidal lagoon, lowland grassland & swales – Parcel E





# Conceptual barrier beach and microtidal lagoon, lowland grassland & swales – Parcel E





# Seasonal wetland swales: lowland grassland, sedge & rush meadows

*Leymus triticoides* (creeping wildrye)



*Carex barbarae* (Basket sedge)

*Carex praegracilis* (meadow/field sedge)



*Hordeum brachyantherum* (meadow barley)

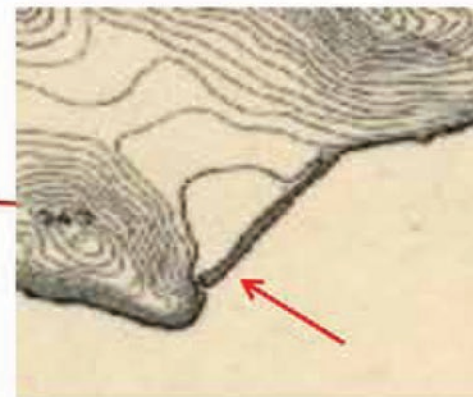
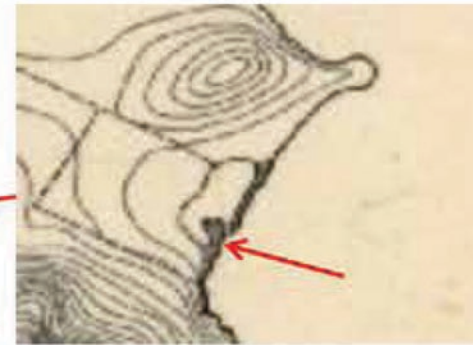
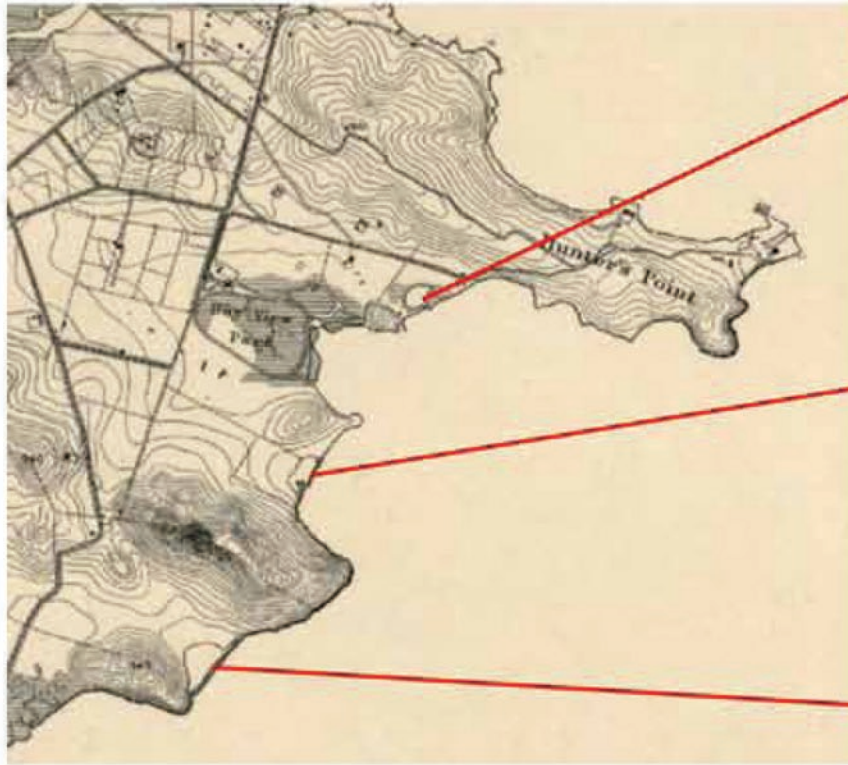
# Historic and Bay Beach Reference Sites

- Original T-Sheet Maps (Historic Ecology)
- Conducted surveys and sediment sampling at several Bay Beaches in 2009
- Results show stable gavel beach at many bay locations; some near to HP site



# Historic Evidence

## 1869 US Coast Survey



# Bay Beach Reference Sites

- Sanctuary beach
- Radio Beach
- Pier 94
- Brisbane
- Foster City







Fetch ~ 8-9  
miles max  
from south  
east

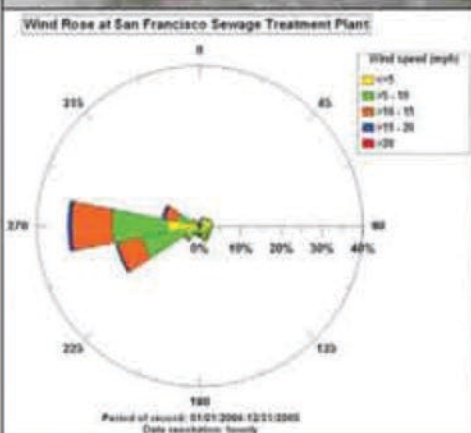
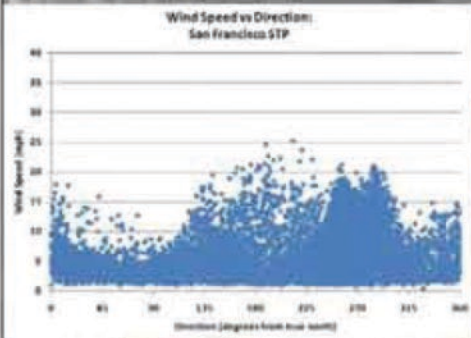
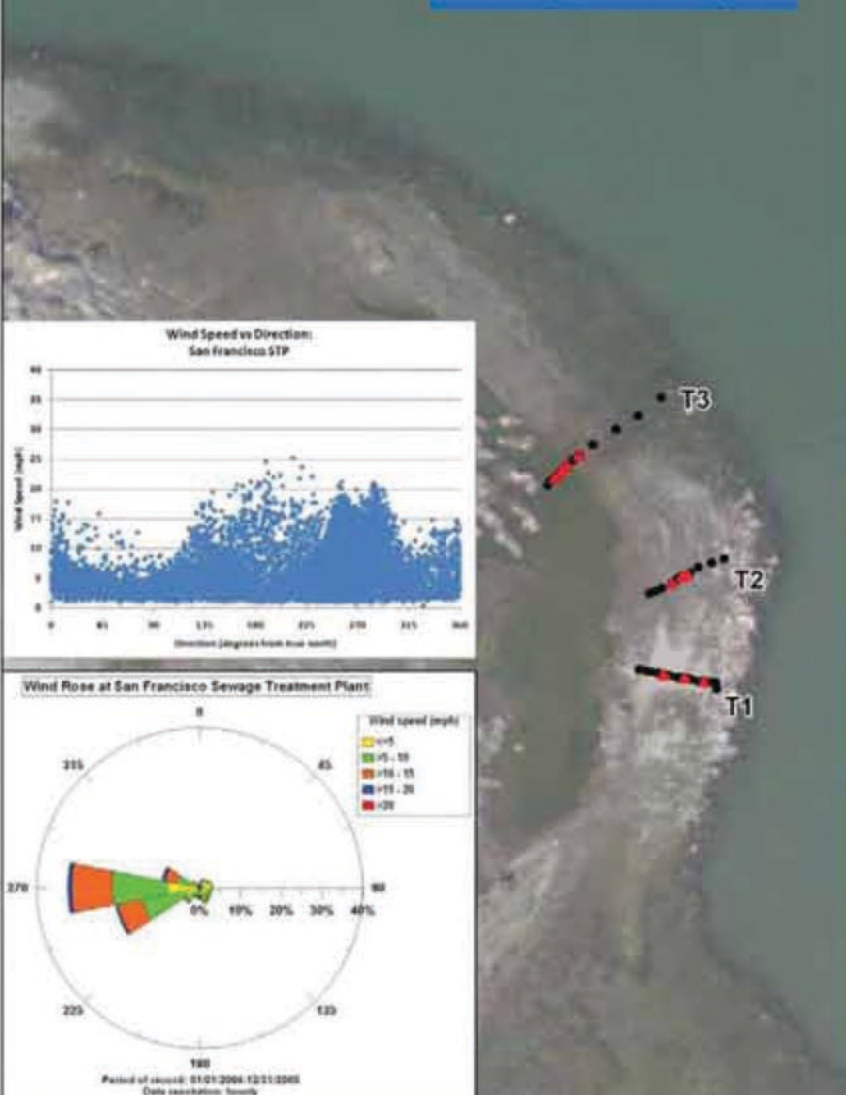
D50 ~ 6-13  
mm



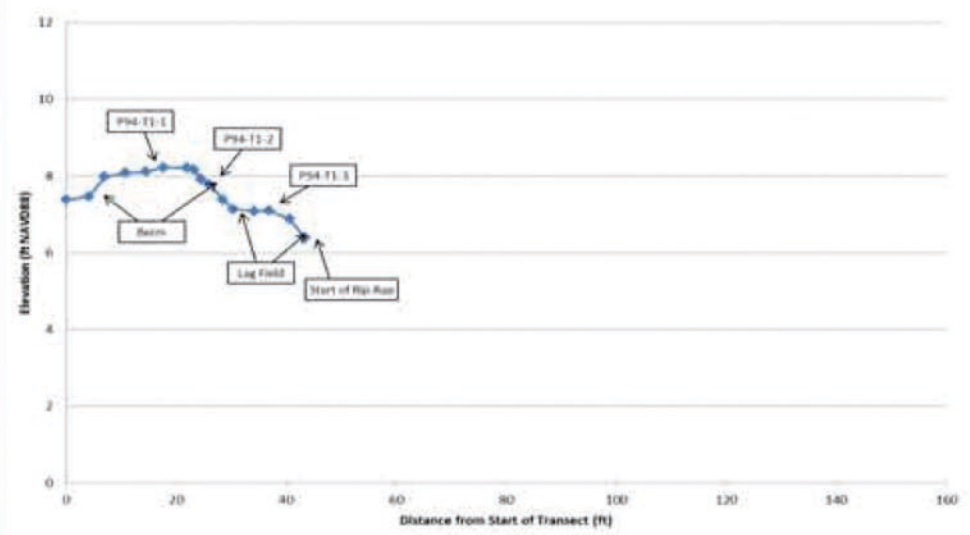


- Topographic survey points
- ▲ Grain size samples

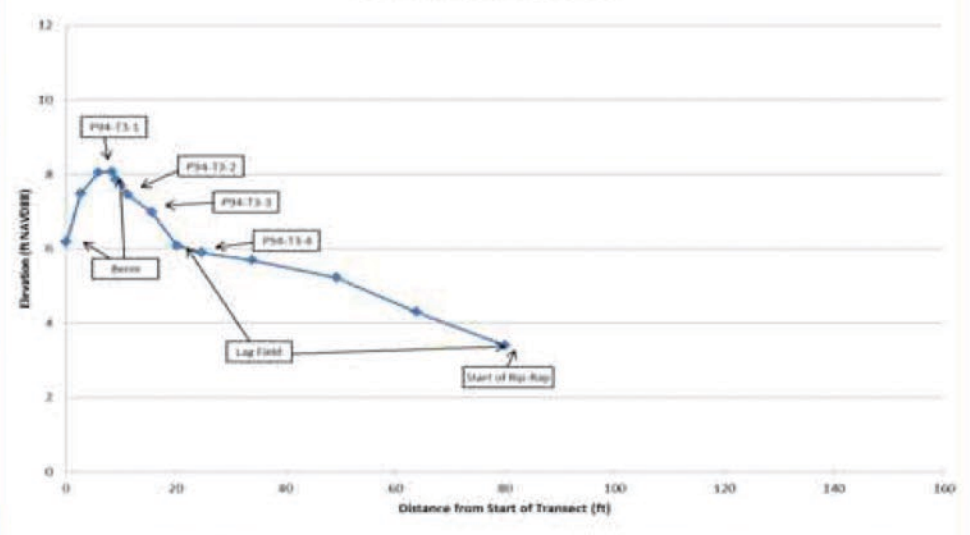
# Pier 94 surveys



### Pier 94 Beach-Transect 1



### Pier 94 Beach-Transect 3



1:900 (1" = 75')

**PIER94 BEACH TRANSECTS AND WIND DATA**  
 Aramburu Island Enhancement Project  
 Richardson Bay Audubon Sanctuary  
 Marin County, CA

Map source: NAD 2000  
Map file: Pier94\_beach\_transects\_2010-01.kmlg.mxd
September 2009
Project No. 1145
Figure 4



Fetch ~ 12 miles  
(south east)  
D50 ~ 7 -13 mm







Study Area

Fetch ~ 5 miles  
D<sub>50</sub> ~2.5 - 4.5  
mm





Study Area

San Francisco-Oakland Bay Bridge On-Ramp

1:3,000 (1" = 250')

0 250 500 Feet  
0 75 150 Meters

W N E S

 **RADIO BEACH VICINITY**  
Richardson Bay Audubon Sanctuary

July 2009 Project No. 1140 **Figure 5**

Fetch ~ 5-6 miles from west

D50 ~2.5 - 4 mm





Fetch 7-8 miles  
max from  
south

D50 ~10-36  
mm





## Existing Site Beach

- note beach face profile



Baye - Leventhal built beach  
restoration project at Pier 94



Existing Site Beach  
Parcel E



Parcel E2  
Existing Beach



# South Basin Wave Studies — *Three Wave Studies Done To-Date All Show Moderate Wave Heights Similar to Other Existing Bay Beaches*

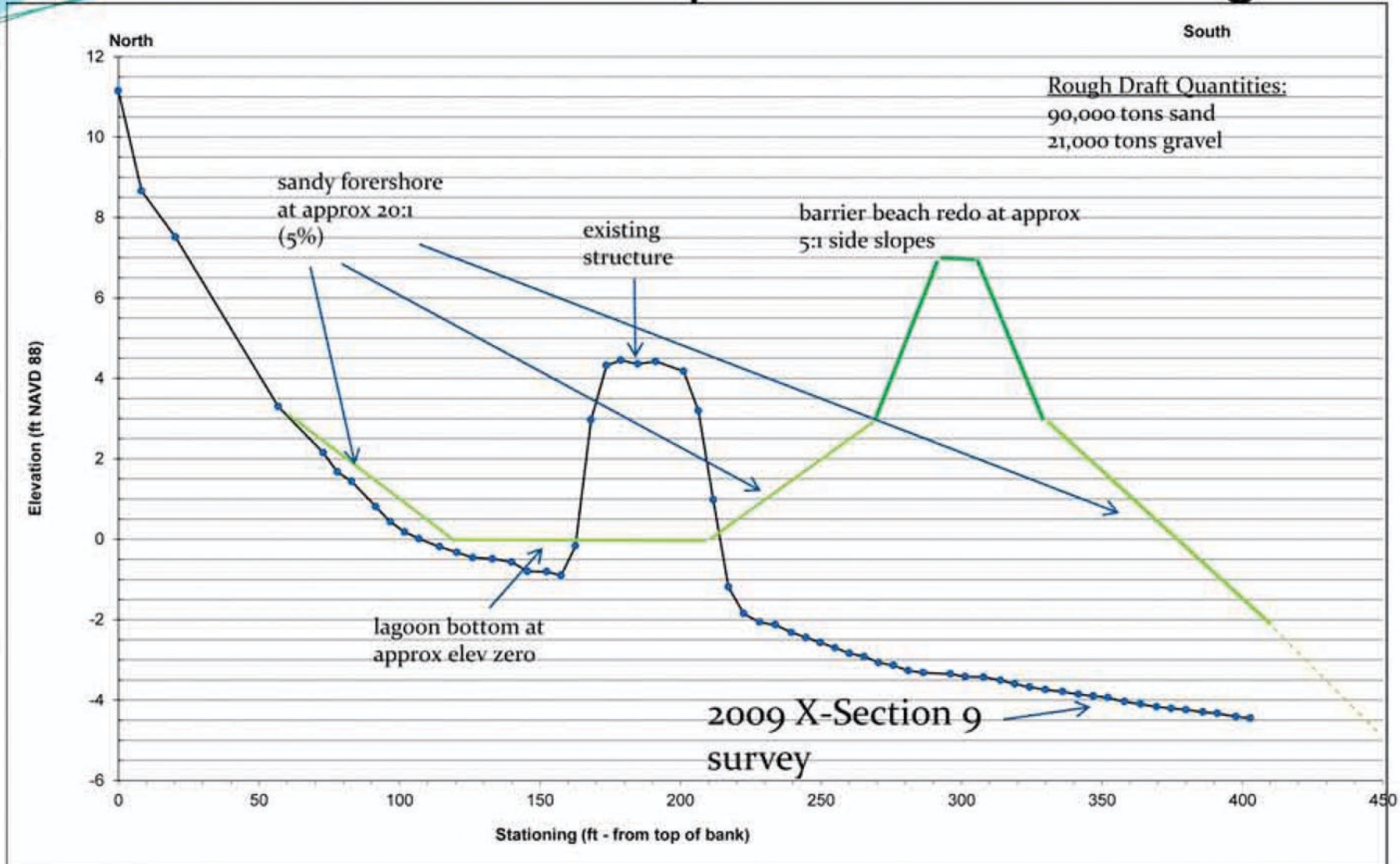
- Wood Hole for Navy (2001) - measured
  - Currents and waves South Basin “generally small”
  - “regional of sediment accumulation”
  - Fine-grained sediments “infrequently mobilized”
  - Jan-Feb 2001 – highest hs = 1.24 ft and 1.96 ft
- Noble – Yosemite Restoration (2005) - modeled
  - 50-year wave height = 3.6 ft to 4.6 ft outer South basin (4.4 s)
  - = 3.6 ft at first choice beach location
- M-N Shoreline Assessment (2009) for Lennar - calcs
  - SE highest =  $H_{50} = 4.4$  ft (4.54 sec)
  - “E2 shoreline...shallow water depths...incorporate more eco-friendly approaches ...including beaches, stormwater treatment wetlands...”



# HP Beach and Lagoon Section



# Cross-Section 9 with Proposed Beach Grading





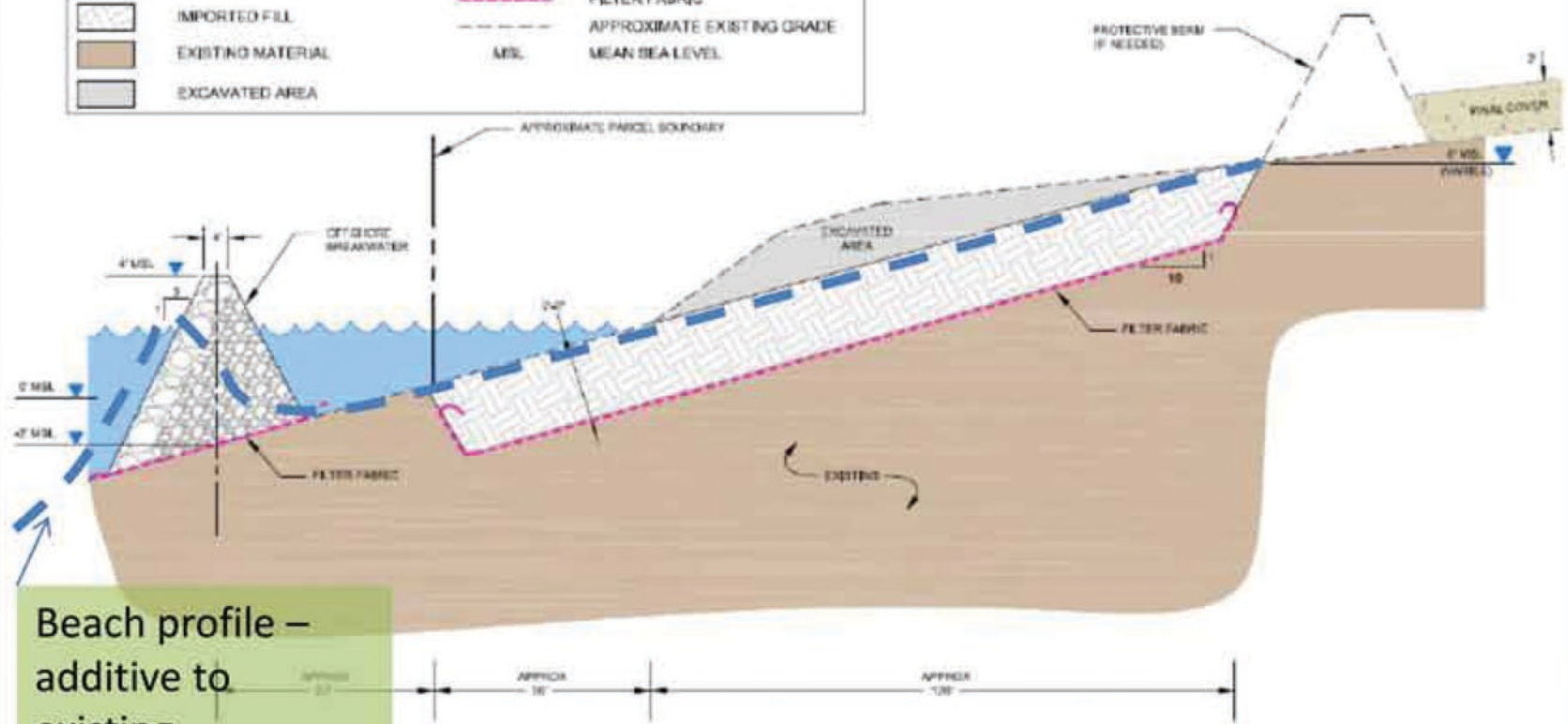


# Natural Shoreline Materials with Offshore Reef



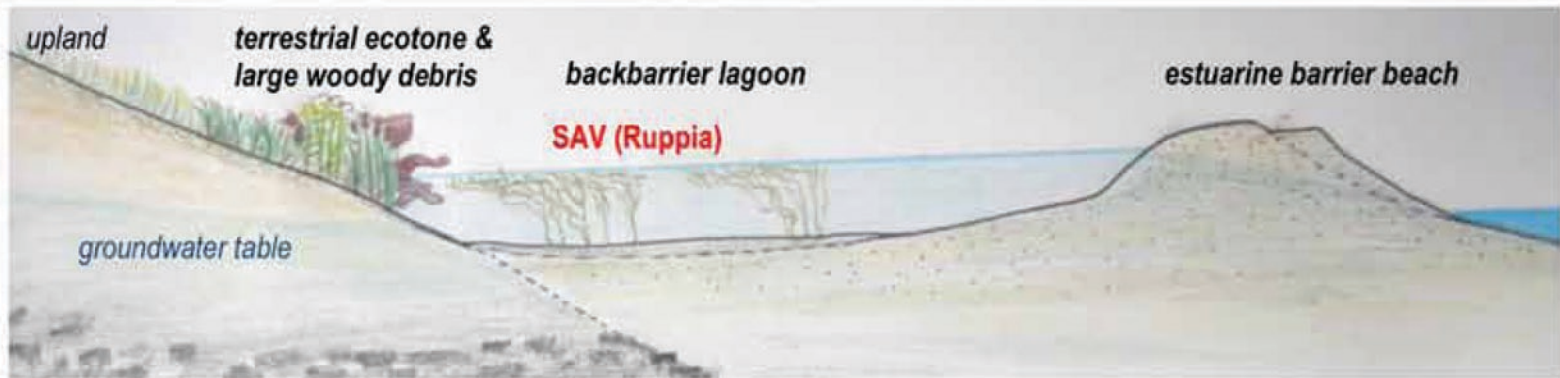
**LEGEND:**

	CORE STONE		SAN FRANCISCO BAY
	ARMOR STONE		APPROXIMATE PARCEL BOUNDARY
	IMPORTED FILL		FILTER FABRIC
	EXISTING MATERIAL		APPROXIMATE EXISTING GRADE
	EXCAVATED AREA		MEAN SEA LEVEL



Beach profile – additive to existing

# Section Through Lagoon and Beach



# EIR requirements

- Stormwater
  - SF requirements
  - No infiltration
- Grassland
  - 80+ acres of grasslands in eco-park
- Raptors and Trees
  - Raptor foraging habitat
  - 10,000 new trees
- Shoreline Protection
  - Protect shoreline
  - SLR



# EIR Requirements 1 Stormwater

*The integrated development should incorporate environmental **sustainability concepts and practices**, and in so doing should:*

- *Apply sustainability principles in the design and development of public open spaces, recreation facilities, and infrastructure including wastewater, **storm water**, utility, and transportation systems."*
- *Mitigation Measure HY-6a.1 - Regulatory Stormwater Requirements. The Project Applicant shall comply with **requirements of the Municipal Stormwater General Permit and associated City SWMP**, appropriate performance standards established in the Green Building Ordinance, and performance standards established by the SFPUC in the San Francisco Stormwater Design Guidelines.*
- *Mitigation measure HY-6b. "**Limitation on Stormwater Infiltration**. Infiltration BMPs on HPS Phase II shall be prohibited. Overland flow (greater than the 5 year and up to the 100-yr storm) shall be conveyed in lined channels or other conveyances that will not result in infiltration"*



# EIR -2 Grasslands

- **Restoration and Management of Grasslands:** *To maintain grassland-associated wildlife species on the site, grasslands extensive enough to support such species shall be maintained and enhanced through the restoration of native grasses. Such grassland habitat shall not be well manicured or regularly mown. No trees shall be planted within such areas, and shrub cover would be limited to a few small, scattered patches of low-statured coastal scrub plants. At a minimum, replacement of non-native grassland impacted at HPS Phase II with native-dominated grassland shall occur at a ratio of 1:1 (1 acre of native-dominated grassland restored: 1 acre of non-native grassland impacted).*
- **Grasslands Ecology Park at Parcel E** (44.9 acres) *would contain native Eco-Gardens, passive lawns, native grasslands, windbreak groves, and landforms offering views of the bay and shoreline habitats. Site features could include group picnic areas, overlooks, a visitor/interpretive center, restrooms, and parking.*
- **Grasslands Ecology Park at E-2** (37.2 acres) *would provide an open space area that includes picnic areas, grassy bird watching knolls, and overlooks. This passive recreation park would focus on views toward the Yosemite Slough Wetland Restoration area and provide opportunities for environmental education. The 44.9-acre Grasslands Ecology Park at Parcel E and the 37.2-acre Grasslands Ecology Park at Parcel E-2 on HPS Phase II are contiguous to CPSRA and may be offered to the CDPR by the Agency.”*



# EIR – 3 Raptors and Trees

- **Mitigation Measure BI-7b. Enhancement of Raptor Foraging Habitat.** *The Draft Parks, Open Space, and Habitat Concept Plan shall implement, at a minimum, the following measures in open space areas outside the CPSRA, and if allowed, within the CPSRA area.*
- **Increase in Tree/Shrub Cover:** *Trees and shrubs (particularly natives) shall be planted and maintained outside the designated grassland restoration area to provide foraging habitat for raptors and other migratory birds, and cover for mammals, reptiles, and smaller birds that may serve as raptor prey. While native vegetation shall be favored, site-appropriate non-native trees and shrubs that provide food or structural resources that are particularly valuable to native wildlife shall also be considered. Approximately 10,000 net new trees shall be planted at the Project site and in the community, in addition to trees that will be replaced as required by the Urban Forestry Ordinance or MM BI-14a.*

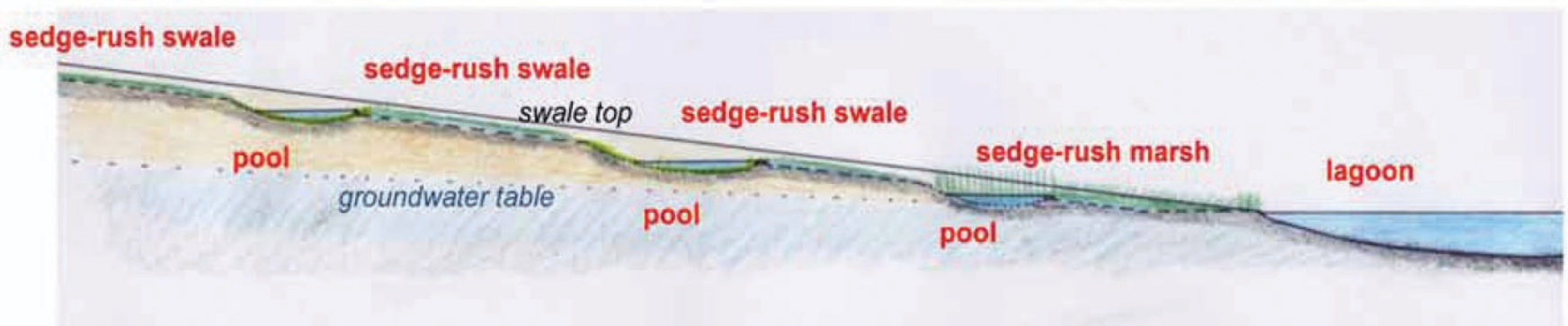
# EIR -4 Shoreline Protection

- Mitigation measure HY-14 requires that the *"To reduce the flood impacts of failure of existing shoreline protection, the Project applicant shall implement shoreline recommendations for flood control protection, as identified in the CandleStick/HP Development project Proposed Shoreline Improvement report" which is referenced as Moffat and Nichols, 2009.*
- Mitigation Measure HY-12a.2 – *Shoreline Improvements for Sea-Level Rise. Shoreline and public access improvements shall be designed to allow future increases to keep up with higher sea level rise values., should they occur. Design elements shall include providing adequate setbacks to allow for future elevation increases of at least 3 feet along the shoreline."*



# Upland Swale System

## Conformance with EIR Requirements



- Meets goal for sustainability & SF stormwater guidelines (HY-MM 6a.1/6b)
- Non-infiltration based BMPs -constructible within proposed soil cover (HY-6b)
- Shallow (6"-12" deep) compacted frog ponds limit infiltration; ponding duration 2-3 months
- Creates native grasslands (HY-6b)
- Works in all hydrologic regimes
- Lowered scour potential with dense rooted grasses

# Lagoon and Beach

- Coastal lagoon protective of Parcel F issues (additive fill design– no excavation)
- Meets goals for “living shoreline” and slr
- Meets MM HY-14 (protection) and HY-12a.2 (slr)
- M-N 2009 report “*Parcels E, E2, and the Candlestick shoreline offer the opportunity of incorporating greater public access and use along the waterfront. The shallow water depths and mudflats fronting these portions of the project shoreline make it possible to incorporate a more eco-friendly approach to shoreline rehabilitation. These can potentially include tidal wetlands, beaches, stormwater treatment wetlands, and softer vegetated banks as opposed to conventional revetments or seawalls.*”



# Site 3 – South Edge of Site

- Narrowest Portion of site – urban edge
- Can add second beach and lagoon system
- Also an excellent location for an urban rain garden – interaction between the public and the bay edge with art, education and views

# Next Steps

- Proposed Design meets all Navy and EIR requirements (EIR requires grasslands/slr)
- Our proposal is best combination of grasslands, natural stormwater treatment, habitat quality and complexity based on historic San Francisco landscapes
- A grassland site with overland flow is going to differentially settle – proposed design with shallow ponds plans for real world settlement
- Parcel E becomes a showcase project of urban habitat restoration and stormwater treatment

***FarWest Restoration Engineering (on behalf of Golden Gate Audubon Society and Sierra Club), May 6, 2011***

**Response to Comment F-1**

The DoN appreciates the information provided in Comment F-1 concerning the stormwater treatment system. The comment correctly notes that the elements of the proposed action are presently conceptual in design. As stated in Section 2.3.2 of the FSEIS, and in accordance with NEPA, CEQ regulations implementing NEPA, DoN regulations implementing NEPA, OPNAVINST 5090.1C CH-1, and DoN BRAC Implementation Guidance, the DoN is required to assess the potential impacts resulting from the redevelopment of the HPS property in a manner consistent with the 2010 *HPS Redevelopment Plan*. This plan was developed through the public planning process that provided a forum for public input on the project alternatives and approval of the redevelopment plan via Proposition G (the Bayview Jobs, Parks, and Housing Initiative; see Section 1.3 of the FSEIS). Specific components or design elements that are not included in the publicly-developed redevelopment plan are not viewed as being reasonably foreseeable reuse of the property and, therefore, are not assessed in the FSEIS. The DoN does not have a direct role in the community's reuse planning process or in the redevelopment of the property following disposal from federal ownership, including providing input to the redevelopment plan.

It is expected that the details of a specific plan proposed for eventual implementation following disposal would be developed and negotiated by the future developer or owner of the property with the resource agencies, including BCDC, during the permitting process. At that time, system requirements for treating stormwater would be developed based on applicable regulations and policies. The DoN would not be involved in that process.

**Response to Comment F-2**

The DoN appreciates your comment. Please refer to the response to Comment F-1.

**Response to Comment F-3**

The DoN appreciates your comment. Please refer to the response to Comment F-1.



# Deep-Solutions

1749 Quesada Gardens, Bayview Hunters Point, San Francisco, California 94124, USA  
telephone: 415.822.8410 | [www.deep-solutions.com](http://www.deep-solutions.com) | [info@deep-solutions.com](mailto:info@deep-solutions.com)

---

May 6, 2011  
San Francisco

To

Director, BRAC PMO West  
ATTN: Mr. Ronald J. Bochenek  
1455 Frazee Road, Suite 900  
San Diego, CA 92108

Dear Mr. Bochenek:

I look forward to meeting and welcoming you personally to Bayview Hunters Point on your next visit to the Hunters Point Shipyard (HPS) in San Francisco.

I'm following up on my attached email sent earlier today informing you of my public comment for the Draft SEIS for HPS. Thank You for your attention and care in ensuring that the items are clarified and changes are made where needed for the Final EIS.

- 1) I'm questioning the **validity** and **usefulness** of this supplemental EIS with its limited **scope** of intended uses for the site. This may be an upstream matter beyond the scope of this Draft SEIS, but as citizen owners of this commons, we must explore other out-of-the-box options that if not done, could render this analysis inadequate. The comparative juxtaposition of a stadium option side by side with some residential and/or R&D options, seems unimaginative, arbitrary and binary. | G-1
- It appears that under CEQA, operation of a proposed Stadium even if constructed, will violate air quality standards. So, I assume this is a non-starter. Non-stadium options must have N.A. for not applicable, instead of SU for significant and unavoidable, correct? | G-2
- How would the SEIS change if a transit-oriented convention center or a residential retreat facility suitable for international gatherings were to be included in the mix? | G-3
- Why are we not capitalizing on Hunters Point Shipyard's quintessential and biggest asset of its peninsular location and historical functional maritime use? Water. | G-4
- What are the impacts of a **Ferry Terminal** at HPS that integrates the development on the shipyard with the microeconomies of the Ferry Building, Oakland or Alviso? | G-5
- The noise, transportation or transit considerations and other matters would be significantly different with a Ferry or **Water Taxi** option with many impacts alleviated. | G-6





- G-7 | 2) The fact that all alternatives with the exception of the no action alternative, considered for HPS in our current Draft SEIS analysis of May 2011, portend disproportionate effects (DE) on minority and low-income populations, living in zip codes 94124, 94107 and 94134, from transportation, traffic, circulation and noise, must guide us back to the drafting table. For, **EJ's** sake. Perhaps there are out-of-the-box solutions for which we're not assessing the environmental impact, yet. Agreements on community benefits compensation must not preclude exploration of good use options.
- G-8 | 3) There is an alarming error in Table ES-2, perhaps from an intellectual disagreement or worse, denial and unacceptance of reality in the community. It's reflected in the erroneous "copy and paste" of the letters "NDE", indicating "**No Disproportionate Effect**" on minorities and low-income people, in the last column of the "No Action" alternative for all the last ten rows on matters that concern the public, government and even the private sector. I hope we can all clearly agree that if HPS is left to itself in a "No Action" alternative, there will be in the year 02030, because currently, there are deleterious results for the people in terms of land use, recreation, visual resources, aesthetics, socioeconomics, hazards, hazardous substances, geology and soils, water resources, utilities, public services, cultural and biological resources. The point here is not to be stuck dysfunctionally or politically in an unrealistic ideological state in any extreme but rather to take stock objectively and fearlessly to conduct a fair account of the situation, analyze rigorously, choose wisely and collectively to move forward expeditiously to progress and the next challenge.
- G-9 | 4) The above concerns accumulate exponentially in the **Cumulative Impacts** assessment in ES-3 leading to numerous **significant and unavoidable impacts**. Is it fair and reasonable for the community to be asked to bear this too? Who is asking and who is willing to accept and who is interested in renegotiating? And who's not? Have any governmental officials or bodies or agencies or institutions or organizations, submitted their considered input and recommendations based on the 2000 SEIS and what is the delta or change from this Draft SEIS? What's does the collective tug of war look like in an open, honest and transparent assessment situation? There's a sweet spot for us to gravitate to and we can get there if we're willing to be creative and open to new possibilities.
- G-10 | 5) The **methodology** for Cumulative Impact Assessment takes into account Navy work and other programs in the pipeline such as Port, City etc. This will not generate a comprehensive picture and analysis since that's a selective **sampling** of known discrete and large cumulative events. We need to incorporate geospatially dispersed, chronologically accumulated impact data from agencies such as the BAAQMD, City's Planning Department, BCDC, National Highway Administration, etc and overlay that baseline on the impact from Navy's actual projected activities (this point is detailed in the next item).



6) The explanation of **no cumulative impacts from Navy transfers** assumes a transaction of innocuous materials like a piece of paper. But that does not take into account currently accumulated impacts from HPS on the local ecosystem as a whole.

There has to be some accounting for the collapsed cumulative impacts for all projected and **planned CERCLA activity** that's going to take place at HPS in the next decade or two to inform a baseline level to start with. How is this being modeled now?

G-11

7) I'm concerned that in Table ES-2 of the Executive Summary, when comparing the impacts of the different alternatives, the designation of NDE (no disproportionate effects on minorities & low-income people) for some of the options, feels inadequate in describing the total impact. Does this also **imply** that for the **general public**, the impacts are either Not significant (NS) or significant but can be mitigated (S-M) or significant and unavoidable (SU) or can be mitigated (SU-M)? It's not explicitly clear. Perhaps, there may be an implicit basic assumption or technical jargon here that I am not catching. A clarification would help.

G-12

My thought is, under NEPA, the supplemental EIS needs to evaluate not just the environmental justice concerns when it comes to people. We'd want the summary table to reflect that **comprehensive** assessment in an explicit manner.

8) In Section ES.7, it states that when there are potential unavoidable impacts, the **mitigation measures** down the road, are the responsibility of the City of San Francisco or its developer. Does this undermine or preempt the CERCLA responsibility of the U.S. Navy if by some remote chance, the developer goes belly up or becomes nonfunctional and/or the city's budgets prevent any intervention? My concern is that with this unqualified clause of **deferring liability**, we may end up down the road a decade, with a mitigation problem and having to unreasonably juggle costs vs benefits of mitigating with difficulty or not doing anything just so we don't disturb the city or the current residents and their "settled" way of life. A visitor to New Mexico once shared: "The Solution to Pollution is Dilution". With time, in this case, it appears.

G-13

9) Under noise assessment, in Table ES-2, why would a No Action alternative contribute significant and unavoidable construction noise and vibration. I hope not, but if this is a **typo** endemic in multiple rows, I'm afraid that we'll have to conclude that due diligence was not applied in the review of this Draft SEIS prior to dissemination to the public. I hope I am wrong in this. Even if it's for a transportation modeled year 02030, it doesn't make sense to me. Things ought to be way better than. Modular, pref-fab eliminates a lot of site noise. Impact-based jackhammers and massive unearthing operations can be avoided by contour-specific custom-design and overlaying utilities and buildings in an integrated responsive manner.

G-14



## Deep-Solutions

- G-15 | 10) Why wouldn't a development of this nature at HPS offer a contrasting impact on the **Socioeconomics** of the region? What's the imperative to move forward if it's listed as "Not Significant" (NS) across the board? At least the No Action alternative must have a significant and potentially mitigatable socioeconomic impact reflected in the last column.
- G-16 | 11) I must be missing something but what's the assumption for no significant (NS) impact from **hazardous substances** under the no action alternative? Why do we still need a cleanup at HPS and a BRAC team with a budget if that's the case? Are we assuming that HPS (after "cleanup" and transfer) is going to be in a **refractory** state after the transfer for an indefinite time? Nuclear industries designing power plants for seismically active Pacific Rim cities may have convinced citizens of Fukushima Prefecture in Japan, but the citizens of Bayview Hunters Point, San Francisco may not want the feeling of living on a beached submarine that's latently digesting pieces of radium dials and PCBs while burping VOCs and GHGs. Even the Yucca Mountain Project designed for 10,000 years is being reconsidered in Nevada, because of Change, over time.
- G-17 | 12) In the analysis for impacts on Marine Aquatic Biological Resources, are we assuming no significant impact (NS-M) helped by mitigation under the current averaged water table elevation or under an inundated or flooded scenario from a **projected rise in water level** due to uncontrollable global effects on the climate, irrespective of its anthropogenicity?  
Understandably, marine creatures will inhabit and perceive that changed ecosystem as an unsequestered HPS site equilibrates at the newer water table levels, through the heterogenous interface open to Parcel F, underwater.
- On a general note and reflecting on this macroscopic **process**, I'd like to share here some thoughts and ideas that can be implemented in concert with the NEPA and CEQA process:
- G-18 | 13) It took a significant effort, somewhat **unreasonable** I must add, for a public citizen like myself, to review the elaborately prepared but uninspiring documents, to provide public comment. I wonder about other interested people, perhaps without any technical background in environmental engineering, who are trying to jump through the **hoops** to make sense of it all, and maybe, perhaps make an informed recommendation or an
- G-19 | important decision that affects them and generations to come. It's a small matter, but it's another hurdle if the email address for public comment is missing from the Executive Summary of the Draft Supplemental EIS because that's probably what most people read.
- G-20 | 14) How can we help make **public participation** in these matters of significant importance, **accessible and user-friendly**, in a systemic deep way? The Obama administration with enlightened leadership has set a national precedent for openness, transparency and accountability in federal government. So, citizens expect the policy to r





ipple down and be felt locally where the rubber meets the road, especially right here in the beautiful community of Bayview Hunters Point in San Francisco.

G-20

15) If we want to make the public participation in HPS cleanup and reuse overwhelmingly successful, we must provide **ownership** to the community to realize their dreams here, right now. I'm not suggesting we convert the early transfer proposal being considered into an instant transfer but rather to **empower** the community, especially our **youth** to create their future with what **opportunities and resources** we have in our hands, right now. The opportunity to animate, illustrate, perceive and bring to life these various use options and their impacts under assessment in this Draft SEIS, is big. Real big for the youth of BVHP. We can design an **innovative contracted partnership project** with the youth of BVHP, for the life of the cleanup and reuse of the HPS. Tools, technologies, and intellectual capital from IDEO, McKinsey & Co, Apple, Adobe, Autodesk, Google Maps, Second Life, George Lucas's shop in the Presidio, combined with the youth entering BayCAT, Literacy for Environmental Justice (LEJ), BMAGIC and others can be harvested to create a compelling, inspiring, absorbing and lucid evaluation experience in the form of an interactive, virtual realistic demo or mockup or model embedded with rich info within tiers of user interest. Imagine community members lining up, signing up for slots in advance and potentially wanting to pay for attendance at an HPS cleanup and reuse meeting. Participation rates will exceed voting rates with mobile-enabled social networking because there's a local human connection and it's exciting to design features for a community future. It can be a joy. Our innovation can start a trend that catches fire and ignites the rest of the burners in our creative economy.

G-21

16) Not to be left behind or waiting for manna to fall from above, in the arena of **public policy and participation**, esp as it relates to owning our health, community members from the **grassroots** of Bayview Hunters Point partnered with resident **doctors** from University of California San Francisco (UCSF) and San Francisco General Hospital (SFGH) through the [Seva\\* Partnership](#). We engaged with our local institutions, community based organizations, service agencies and committed individuals to yield a gelled voice of the community codified in the [Seva\\* Health & Wellness Policy Recommendations](#). Environmental Health of BVHP residents emerged as a core indicator and lever of our community members' personal health as well as our collective community health. There are timeless, fundamental principles of being sensitive, attentive, responsive, and intelligent with our natural and built environment. Whether it is a precautionary principle for a smaller carbon footprint and good health or a Native American's undetectable light-footprint (whether it's an Ohlone or Geronimo), there are nuggets in the policy recommendations that are directly impacting our work, including this public comment for the Draft SEIS of HPS. I urge members of the HPS BCT to review the wisdom and recommendations harvested over 2.5 years of **sustained engagement** with the help of doctors and under the watchful review of 22 respected **Accountability Council** members from a wide spectrum of fields and experiences. [Seva\\*](#) means "selfless service" in [Sanskrit](#).

G-22





## Deep-Solutions

- G-23 | 17) An upstream issue for the most part I think, but the functional, architectural and technological **design** of the HPS development as it appears in its current form, with its associated intended uses is uninspiring. It does not seem to include a saturated adoption of passively-efficient building, renewable and intelligent local energy generation systems and modern 21st century transportation systems. So, the SEIS analysis crunches numbers and spits out 20th century **carbon-economy** outcomes, that people are expected to shrug their shoulders and accept. Here is an excellent opportunity to enrich the carbon sink capacity per capita and on a per acre basis if we **design** with bolder vision and **innovate at HPS**. That'll make the numbers from those EISs sing. I really hope we can **iterate**.
- G-24 | 18) No doubt there are competent professionals in the regulatory bodies that'll review these documents in-depth, until their hair turns grey. We can expect public participation in the Hunters Point Shipyard's **NEPA/CEQA** process, such as this Supplemental EIS, to get better once the recommendations being drafted in the new HPS Community Involvement Plan (**CIP**), are implemented. However, as a former Restoration Advisory Board (**RAB**) member of a body that has not been functioning for more than 2.5 years, I'm concerned that without a consistent, productive, regular, **monthly** engagement of committed public citizens with the base cleanup team (BCT), the closure of the former Naval Shipyard at Hunters Point, may take place without fidelity to that core fundamental principle of government, **of the people**.
- G-25 | 19) However, the times are a changin'. The Navy's Seal Team 6's **performance**, when evaluated objectively with collateral damage discounted, in the recent execution of their duties, reveals a deeper, inspiring ethic and a professional aesthetic that's as familiarly American as the Apollo Mission in JFK's time. We can deploy too with that mission-critical energy, commitment and grace. We can partner with all the stakeholders and innovate our way to cleaning up and reusing our Hunters Point Shipyard for the long haul. We'll clean up, **effectively, efficiently**, and I pray, **effortlessly**.
- G-26 | 20) This process has been an educational, challenging and rewarding design experience for me, though not completely pain-free or friction-free to participate in.

Thank You Ron, for your **public service**.

Sudeep

----- Forwarded Message -----

**From:** Sudeep Motupalli Rao <sudeep@deep-solutions.com>

**To:** ronald.bochenek.ctr@navy.mil

**Sent:** Fri, May 6, 2011 6:53:19 PM

**Subject:** Sending Public Comment on Draft SEIS HPS, later today



**Deep-Solutions**

Hello Mr. Bochenek:

I'm writing to inform you that I will be sending some public comment for the HPS SEIS later today. I just got back from being out of the country for 3 months and I'm catching up.

Thank You.

Sudeep

Sudeep Motupalli Rao, PhD

Founding Partner, [Deep-Solutions: \*Designing Innovation\*™](#)

Founding Designer, [Beautiful Communities](#)

studio: +1.415.822.8410

email: [info@deep-solutions.com](mailto:info@deep-solutions.com)

Skype: raosudeep

Twitter: obamacitizen

Address:

1749 Quesada Gardens

Bayview Hunters Point

San Francisco, CA 94124

USA

*Deep-Solutions, May 6, 2011*

**Response to Comment G-1**

The FSEIS was prepared in accordance with NEPA (Pub. L. 91-190, 42 U.S.C.20 §§4321-4370f); CEQ regulations (40 C.F.R. Parts 1500-1508); DoN regulations (32 C.F.R. Part 775); OPNAVINST 5090.1C; and DoN BRAC Implementation Guidance (NBIG). NEPA's guiding principal is that federal agencies should gather enough information on a proposed action's environmental consequences to support a reasonable decision regarding the action, and sufficient information should be provided to the public to ensure an informed evaluation of the government decision-making process.

Per the NEPA and CEQ regulations cited above, the DoN is required to assess the environmental consequences of the proposed disposal of surplus federal property and the community's subsequent reuse of the property as described in the amended *HPS Redevelopment Plan*, as adopted by the San Francisco Redevelopment Agency (SFRA) on 3 August 2010 (SFRA 2010). The DoN is not responsible for the community's planning process or future redevelopment of the property following conveyance from federal ownership. Instead, the city would be responsible for development of the redevelopment plan, and SFRA would be responsible for the implementation of the redevelopment plan.

Because the DoN does not have a direct role or responsibility to coordinate or participate in the redevelopment of the property following disposal, the DoN must rely on the publicly-approved redevelopment plan for the range of alternatives evaluated in the SEIS. As described in Section 2.3.2 of the FSEIS, the project alternatives are based on the 2010 *HPS Redevelopment Plan* that was developed by the city through a public planning process. This process provided a forum for public input on the project alternatives and approval of the reuse plan via Proposition G (the Bayview Jobs, Parks and Housing Initiative; see Section 1.3 of the FSEIS).

Specific components or design elements that are not included in the redevelopment plan are not viewed as being a reasonably foreseeable reuse of the property and, therefore, are not assessed in the SEIS.

**Response to Comment G-2**

The DoN, as a federal agency, is required to assess the potential impacts of the proposed alternatives in this SEIS for HPS, a federal property, in accordance with the NEPA regulations and requirements. CEQA, or the California Environmental Quality Act, is a statute that requires state and local agencies to identify significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible, but CEQA does not apply to federal actions.

NEPA provides a means to minimize environmental effects and information for the decision maker, but there is no requirement that findings eliminate alternatives. Further, the DoN is not responsible

for the reuse planning process or redevelopment, and findings of the NEPA analysis do not have a direct effect on the reuse planning and decision process. However, the future developer or owner of the property would be required to adhere to the applicable local, state, and federal permitting processes and planning review before implementing the reuse plan.

**Response to Comment G-3**

As discussed under the response to Comment G-1, the DoN does not have a direct role or responsibility to coordinate or participate in the redevelopment of the property following disposal. Therefore, as described in Section 2.3.2 of the FSEIS, the DoN must rely on the reuse alternatives based on the community-approved 2010 *HPS Redevelopment Plan*.

Specific components or design elements that are not included in the publicly-developed redevelopment plan are not viewed as being a reasonably foreseeable reuse of HPS. Neither a transit-oriented convention center nor a residential retreat facility suitable for international gatherings are included as part of the amended redevelopment plan and, therefore, are not considered as part of the reasonable range of alternatives evaluated in the SEIS.

**Response to Comment G-4**

As discussed under the response to Comment G-1, the DoN does not have a direct role or responsibility to coordinate or participate in the redevelopment of the property following disposal. Therefore, as described in Section 2.3.2 of the FSEIS, the DoN must rely on the reuse alternatives based on the community-approved 2010 *HPS Redevelopment Plan*.

Under the approved redevelopment plan, the proposed action would capitalize on the shipyard's peninsular location and historical functional maritime use. This would include a number of water uses such as a marina, shoreline access, parks, open spaces, and public access with views of the water. In addition, the alternatives evaluated in the FSEIS incorporate considerations of Bay Plan objectives and policies that are intended to provide substantial public benefit.

**Response to Comment G-5**

As discussed under the response to Comment G-1, the DoN does not have a direct role or responsibility to coordinate or participate in the redevelopment of the property following disposal. Therefore, as described in Section 2.3.2 of the FSEIS, the DoN must rely on the reuse alternatives based on the community-approved 2010 *HPS Redevelopment Plan*. Specific components or design elements that are not included in the redevelopment plan are not viewed as being a reasonably foreseeable reuse of the property. The project alternatives included in the approved redevelopment plan do not include construction and operation of a ferry terminal at HPS. Therefore, the impacts of a ferry terminal are not evaluated in the FSEIS.



**Response to Comment G-6**

As noted in the response to Comment G-5, specific components or design elements that are not included in the publicly-developed redevelopment plan are not viewed as being a reasonably foreseeable reuse of the property. The reuse alternatives included in the approved redevelopment plan do not include construction and operation of a ferry terminal at HPS nor do they include the operation of a water taxi service. Therefore, the noise, transportation, and other impacts from a ferry terminal or water taxi are not evaluated in the SEIS.

**Response to Comment G-7**

As discussed under the response to Comment G-1, the DoN does not have a direct role or responsibility to coordinate or participate in the redevelopment of the property following disposal. Therefore, as described in Section 2.3.2 of the FSEIS, the DoN must rely on the reuse alternatives based on the community-approved 2010 *HPS Redevelopment Plan*. The *HPS Redevelopment Plan* was developed by the city through a public planning process that provided a forum for public input on the project alternatives. Specific components or design elements that are not included in the redevelopment plan are not viewed as being a reasonably foreseeable reuse of the property and, therefore, are not assessed in the DoN's SEIS.

**Response to Comment G-8**

The general definition of "No Disproportionate Effect (NDE)" is that minority and low-income populations in the affected area would not be exposed to significant adverse environmental, public health, economic, or social impacts, or if such impacts would occur they would not be predominantly borne by a minority population and/or a low-income population, nor be appreciably more severe or greater in magnitude than the adverse effect that would be experienced by the general population in the surrounding jurisdiction. For the No Action Alternative, the HPS site would remain under caretaker status and would not be transferred or redeveloped. The No Action Alternative would result in no significant unavoidable impacts, except for water resources (i.e., increased risk of flooding), as described in Section 6.5.2.9. Although the No Action Alternative would not provide the benefits of the HPS action alternatives, site clean-up would still occur and no disproportionately high and adverse effects on minority and low-income populations or children would result from this alternative.

**Response to Comment G-9**

Section 4.12 of the FSEIS evaluates the magnitude and significance of the environmental consequences of the proposed action in the context of the cumulative effects of other past, present, and future actions. Based on the analysis, cumulative impacts related to transportation, traffic, and circulation; air quality; noise; and environmental justice have been determined to be significant. Relevant, reasonable, and feasible mitigation measures for reducing impacts to these resources are presented in the FSEIS, per 40 CFR 1502.16(h) and OPNAVINST 5090.1C.

Public participation (including community members, government officials, and other agencies) is an important component of the NEPA environmental review process, and this process is intended to be open and transparent. The public involvement process for the SEIS included public scoping and community outreach, as described in Section 1.4.1 of the FSEIS. The purpose of scoping is to identify potential environmental issues and concerns regarding the proposed action and to determine the scope of issues to be addressed in the SEIS. The issues raised during the scoping period regarding environmental and socioeconomic topics are summarized in Section 1.4.1.1 and addressed in the FSEIS. The DSEIS was circulated to government agencies, the public, and other stakeholders to solicit input and recommendations on the impact analysis, including cumulative impacts, and mitigation measures. A public hearing also was conducted during the review period to solicit input from the public. The FSEIS has been revised, as appropriate, in response to public comments on the DSEIS. Therefore, the FSEIS and appended documents provide a record of the public input that was received during the NEPA process.

The FSEIS provides a discussion in Section 2.3.4 on how the current project alternatives differed from those evaluated in the 2000 FEIS. The FSEIS also considers public input from the earlier (2000) document.

**Response to Comment G-10**

The FSEIS incorporates cumulative analysis for all environmental issue areas, as appropriate and in context with the scope and magnitude of the proposed action, as required under NEPA (40 CFR 1508.7) and in accordance with CEQ guidance on cumulative impact analysis. The context for each cumulative impact analysis is discussed in Section 5.3 (Analysis of Cumulative Impacts) of the FSEIS for each resource area.

CEQ guidance on cumulative impact analysis sets out several different methods to determine the significance of cumulative effects, including checklists, modeling, forecasting, and economic impact assessment where changes in employment, income, and population are assessed. The methodology used in the FSEIS is based on the “list” methodology and/or the “projection” methodology, depending on resource area.

Most of the resource areas are analyzed using a list of existing or reasonably foreseeable projects that would be constructed in the project region. As stated in Chapter 5 of the FSEIS, analyses of cumulative impacts using the “list” methodology considers projects similar to the proposed action, in proximity to the proposed action, or large enough to have effects that could overlap with those of the proposed action. The list of cumulative projects (see Table 5.2-1 in the FSEIS) includes those identified by the DoN, the city, and Port of San Francisco and neighboring jurisdictions, as well as those expected based on full implementation of the city’s General Plan

and/or other planning documents, depending on the specific impact being analyzed. The FSEIS also acknowledges that other projects may occur in this area (e.g., construction projects, roadway modifications, and dredging activities), but such projects would be either too small or too remote to have a meaningful interaction with the proposed action. While this list is not comprehensive, it is intended to capture the key projects with the potential to cause cumulative impacts.

The cumulative impact analyses for Transportation, Traffic and Circulation (Section 5.3.1); Air Quality (Section 5.3.2), Noise (Section 5.3.3); and Socioeconomics (5.3.6) uses a projection or a combined list and projection approach that is based on annual regional growth and development rates. This approach uses a summary of projections contained in adopted plans that encompass the regional conditions contributing to a project's cumulative region of influence.

For example, the analysis of cumulative traffic impacts uses the San Francisco County Transportation Authority (SFCTA) travel demand forecasting model, which projects general background growth based on Association of Bay Area Governments (ABAG) projections and is consistent with build-out of the city's General Plan. Similarly, the cumulative air quality analysis defines the region of influence for this resource as the San Francisco Bay Area Air Basin (SFBAAB) project region. Cumulative air impacts of the proposed action, in conjunction with impacts from other projects listed in Section 5.2, are evaluated within this geographic region.

These approaches for analyzing cumulative impacts are consistent with CEQ and NEPA guidance.

**Response to Comment G-11**

The NEPA process for reuse is the functional equivalent of, but separate from, the cleanup process under CERCLA. CERCLA ensures through regulatory oversight and engineering application that site parcels are suitable for property transfer and their intended reuse, including appropriate transfer requirements and responsibilities, and that human health and the environment are adequately protected. The site cleanup process under CERCLA is ongoing and will continue regardless of any reuse of the shipyard. Prior to any transfer or lease of HPS property, the DoN must ensure that actual or potential releases of hazardous substances have been addressed to ensure the protection of human health and the environment following transfer (Section 120(h) of CERCLA, 42 U.S.C. Section 9620(h)). Any deed transferring title to real property shall contain, to the extent required by law, the notices, descriptions, covenants, and assurances specified in Section 120(h) as well as Institutional Controls (ICs) required as a CERCLA remedial action. Such compliance will ensure that the property after transfer will be used in a manner that adequately protects the environment and human health as required by

CERCLA. Sections 3.7 and 4.7 of the SEIS provide a more detailed discussion of the CERCLA process as it relates to reuse of the site.

**Response to Comment G-12**

NEPA requires that significant impacts on the human environment (i.e., the built environment and the general public) and the natural environment be addressed. The FSEIS, therefore, covers these impacts as well as those related to environmental justice. The entries under environmental justice in Table ES-2 address specific effects on minorities, low-income populations and children, as required by two federal executive orders (E.O.s 12898 and 13045). Impacts on the broader population are described under the various resource topics listed in Table ES-2 (e.g., noise, air quality, etc.), but these topics do not explicitly address protected populations, per NEPA.

“No Disproportionate Effect” (NDE) is a term used in environmental justice analysis. It means that minority and low-income populations in the affected area would not be exposed to significant adverse environmental, public health, economic, or social impacts, or if such impacts would occur they would not be predominantly borne by a minority population and/or a low-income population, nor be appreciably more severe or greater in magnitude than the adverse effect that would be suffered by the non-minority population and/or non-low-income population. Impacts on children are also analyzed, per a separate federal executive order that addresses children (EO 13045). As part of the environmental justice analysis, impacts are reviewed for each resource evaluation and, if found significant and unavoidable, the environmental justice analysis looks further at whether the impacts would cause disproportionate effects to a particular group. Note that a finding of NDE for an impact does not, in itself, indicate whether there is an underlying impact (e.g., an adverse noise impact) that is significant for the general population; it means there is no disproportionate effect to a particular group.

**Response to Comment G-13**

The DoN understands the concern about responsibilities and completion of the HPS cleanup process. The site cleanup process under CERCLA is ongoing and separate from the disposal and reuse process, and will continue regardless of any reuse of the shipyard. Prior to any transfer or lease of HPS property, the DoN must ensure that actual or potential releases of hazardous substances have been addressed to ensure the protection of human health and the environment following transfer (Section 120(h) of CERCLA, 42 U.S.C. Section 9620(h)). More specifically, CERCLA and other provisions require that DoN shall implement all remedial actions necessary to adequately protect human health and the environment from risks associated with the actual or potential release of hazardous substances, pollutants, or contaminants into the environment, regardless of future ownership of HPS property or the legal authority utilized to convey the property from DoN to another legal entity. These concepts and requirements are presented in more detail in Sections 3.7 and 4.7 of the FSEIS. Specifically, Section 3.7.2 describes the process and requirements for property transfer



under CERCLA, and explains that potential early transfer of parcels on the project site would be conducted in a manner that provides adequate protection of human health and the environment from exposure to hazardous substances under CERCLA.

**Response to Comment G-14**

The comment accurately notes that several of the noise impacts indicated for the No Action Alternative in Table ES-2 of the DSEIS are incorrect. These typographical errors have been corrected in the FSEIS to be consistent with Table 4.3.9-1 and with the analysis in Section 4.3, which was correct. The No Action Alternative would not contribute to significant and unavoidable noise and vibration.

With regard to the transportation analysis modeling years, the error noted in the comment was not related to modeling of noise or traffic impacts, but resulted from incorrectly transcribing the impact conclusions from Section 4.3 to the Executive Summary table. The transportation analysis in Section 4.1 projected existing traffic forward to the year 2030 based on population growth projections and including planned transportation system improvements, but without the project to establish future baseline conditions. Project impacts were then determined by adding project-generated traffic to the future baseline and accounting for project-proposed transportation improvements for the full build-out scenario. Any differences between the baseline and with-project conditions would then constitute transportation impacts attributable to the project. While the noise impact assessment cannot derive noise levels from future traffic levels, it does consider noise typical of urban settings comparable to those that would result with implementation of any of the alternatives. Those noise levels are typically higher than current ambient levels and are key drivers of the conclusion for most alternatives (except the No Action Alternative) that impacts would be significant. The comment's observation is correct that the construction of pre-fabricated units, minimizing earth moving, contouring, and integrated utility installation can minimize noise and is consistent with various proposed construction techniques and mitigation measures designed to reduce impacts for all issue areas.

**Response to Comment G-15**

The comment asks why development would not "offer a contrasting impact on the socioeconomics of the region." Please refer to the second paragraph of Section 4.6 on page 4.6-1 for a discussion of the fiscal and economic impacts of Hunters Point development. The analysis finds that overall HPS development is likely to have "favorable fiscal and economic impacts." While that discussion focuses on the fiscal effects for the City and County of San Francisco, similar reasoning is generally applicable to the overall socioeconomic effects that would be expected from development. In other words, impacts would be generally favorable due to increases in economic activity, jobs, and retail and commercial business in the project area that would be expected to result from development. As noted in Section 4.6.1.1, there is no quantitative guidance that defines significant social and economic impacts under NEPA. No

regulations or laws identify specific quantitative criteria for determining the significance of socioeconomic impacts. However, multiple factors are considered in determining whether an alternative would have a significant socioeconomic impact, including the extent to which implementation of the alternative would result in substantial population growth, displacement of existing housing units, displacement of businesses, or inconsistency with relevant General Plan policies. None of the alternatives would exceed these criteria. Therefore, the impacts, while generally favorable, are considered not significant (NS). With regard to the No Action Alternative, while the favorable effects would be minimal or would not occur, there would not likely be a reduction in economic effects from the No Action Alternative, and the effects would also be not significant.

**Response to Comment G-16**

Under the No Action Alternative, HPS would not be disposed of and would remain a closed federal property under caretaker status by the DoN. Thus, the shipyard parcels would not be reused or redeveloped. Notwithstanding, environmental cleanup under CERCLA will continue until completion. Existing leases would continue until they expire or are terminated, after which DoN could decide to renew or extend some or all of these leases. Therefore, based on these conditions, impacts from hazards or hazardous substances associated with construction would not be significant and there would be no operational impacts. Further discussion of the No Action Alternative can be found in Section 4.7.8 of the FSEIS.

**Response to Comment G-17**

The assessment of project impacts to aquatic biological resources in the FSEIS considers sea level rise when evaluating project alternatives. In general, sea level rise is projected to occur regardless of which, if any, of the *HPS Redevelopment Plan* project alternatives is implemented. Sea level rise would add aquatic habitat to the bay by increasing the elevation of the mean and high tide lines. Compared to the No Action Alternative, some differences would be expected in the relative changes in the various habitat types associated with differences in the type and extent of shoreline development for each project alternative. However, impacts to aquatic biological resources from construction and operation of the project alternatives are judged to be not significant because species would be expected to maintain their same habitats with gradual sea level rise along the shoreline, and key project infrastructure such as the Yosemite Slough bridge would not restrict tidal flows in and out of the slough, regardless of tidal height under the various sea level rise scenarios. The ability to maintain the same or similar habitats with sea level rise is consistent with observed patterns of species distributions when new habitat becomes available, such as occurs when artificial reefs, jetties, and pilings are constructed and colonization occurs by immigration or larval settlement. This process would occur naturally in the project area and would not require separate mitigation.

Also, the project alternatives would not affect the potential for exposure of aquatic organisms to contaminant remobilization from site soil or groundwater under elevated sea level conditions because prior to any transfer of HPS property, the DoN will confirm that actual or potential releases of hazardous substances have been addressed and human health and the environment will be protected following transfer.

**Response to Comment G-18**

The FSEIS is prepared in accordance with NEPA (Pub. L. 91-190, 42 U.S.C.20 §§4321-4370f); CEQ regulations (40 C.F.R. Parts 1500-1508); DoN regulations (32 C.F.R. Part 775); OPNAVINST 5090.1C; and DoN BRAC Implementation Guidance (NBIG). NEPA's guiding principal is that federal agencies should gather enough information on a proposed action's environmental effects to support a reasonable decision regarding the action, and sufficient information should be provided to the public to ensure an informed evaluation of the government decision-making process.

Presenting information concerning the project purpose and need, project alternatives, existing conditions, and environmental consequences in sufficient detail to satisfy the NEPA and CEQ requirements and guidance can result in a highly structured and technically dense format. Regardless, for the FSEIS the DoN uses graphics where appropriate to illustrate key points and minimizes the use of technical jargon to make the document accessible to the general public and to emphasize the analysis of important issues that bear on the decision-making process (40 CFR 1502.2(a)). Additionally, as part of the NEPA process, the DoN incorporated a public involvement component that invited and encouraged Federal, state, and local agencies, as well as interested members of the public, to review and comment on the DSEIS. As part of the public review process, a public hearing was held that was preceded by an open information session to allow interested individuals to review information presented in the DSEIS. This process was intended to facilitate public input to the decision-making process to the maximum extent possible.

**Response to Comment G-19**

The DoN contact email address was inadvertently deleted from the DSEIS during production. However, the contact email address (Email: [ronald.bochenek.ctr@navy.mil](mailto:ronald.bochenek.ctr@navy.mil)) was included in the Abstract at the front of the DSEIS, and is provided there in the FSEIS.

**Response to Comment G-20**

Public participation is an important component of the NEPA environmental review process. The public involvement process for the SEIS includes public scoping and community outreach to make the process accessible and user-friendly, as described in Section 1.4.1 of the FSEIS. The purpose of scoping is to identify potential environmental issues and concerns regarding the proposed action and to determine the scope of issues to be addressed in the SEIS. The scoping process for the SEIS included public notification via the Federal Register, newspaper advertisements, and a public scoping

meeting. The issues raised during the scoping period regarding environmental and socioeconomic topics are summarized in Section 1.4.1.1 and addressed in the FSEIS.

In addition to a public scoping meeting, a series of smaller public outreach meetings were conducted to further address environmental justice issues, discuss concerns about the proposed action and alternatives, and improve communication with the local community. A list of the meetings and overviews of meeting comments are presented in Section 6.4.4.1, Public Outreach Meetings, of the FSEIS. The intent of the meetings was to bring interested parties and stakeholders up to speed on project details and the NEPA environmental review process, and to identify environmental justice issues and concerns. The participating groups represented diverse groups within the potentially affected area that had expressed interest in additional outreach concerning the proposed action and environmental review process. Numerous oral questions, comments, and concerns were received during the public outreach meetings. These concerns were mostly within the general topic areas of community involvement, site cleanup process, traffic, jobs and housing, public health, wetland preservation, and parks and open space. A summary of the public concerns expressed during the outreach meetings is provided in Section 6.4.4 (Table 6.4.4-1) of the FSEIS. Input provided during the outreach meetings also was used to help scope the SEIS.

Additionally, public participation in the NEPA process was achieved through the public review process for the DSEIS. After the DSEIS was completed, the DoN published a Notice of Availability (NOA) in the Federal Register and in two local newspapers: the *San Francisco Chronicle* and the *Oakland Tribune*. The DSEIS was circulated for review and comment to government agencies, local organizations, Native American tribes, and interested private citizens. A public hearing also was conducted during the review period. The FSEIS has been revised, as appropriate, in response to public comments on the DSEIS.

The public involvement process for the SEIS invited participation and solicited input on the scope of issues addressed in the SEIS. The DoN appreciates the feedback expressed in Comment G-26 that the process was “educational, challenging and rewarding.”

**Response to Comment G-21**

The DoN appreciates your comment. Please see the response to Comment G-20.

**Response to Comment G-22**

The DoN appreciates your comment. Please see the response to Comment G-20.

**Response to Comment G-23**

As discussed under the response to Comment G-1, the DoN does not have a direct role or responsibility to coordinate or participate in the redevelopment of the property following disposal. Therefore, as

described in Section 2.3.2 of the FSEIS, the DoN must rely on the reuse alternatives based on the community-approved 2010 *HPS Redevelopment Plan*. The *HPS Redevelopment Plan* was developed by the city through a public planning process that provided a forum for public input on the project alternatives. Specific components or design elements that are not included in the redevelopment plan are not viewed as being a reasonably foreseeable reuse of the property and, therefore, are not assessed in the DoN's SEIS.

**Response to Comment G-24**

Please see the response to Comment G-20 regarding public participation in the NEPA environmental review process. The NEPA process for reuse is the functional equivalent of, but separate from, the cleanup process under CERCLA. CERCLA ensures through regulatory oversight and engineering application that site parcels are suitable for property transfer and their intended reuse, including appropriate transfer requirements and responsibilities, and that human health and the environment are adequately protected. The site cleanup process under CERCLA is ongoing and will continue regardless of any reuse of the shipyard. Please refer to the response to Comment G-11 for additional details regarding site cleanup and transfer under CERCLA.

**Response to Comment G-25**

The DoN appreciates and notes your comment.

**Response to Comment G-26**

The DoN appreciates and notes your comment.